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ABSTRACT

This report describes the implementation of Section 1017 of Chapter 1 contained in Title I of the Elementary and Secondary Education Act. Section 1017 requires school districts to serve eligible students enrolled in private schools. Private schools affiliated with religious groups make up the bulk of all Chapter 1-eligible students. The report begins by reviewing the political and judicial history of the requirement that Chapter 1 serve religious-school students. Subsequent chapters cover the trends in the levels of private-school student participation in Chapter 1, the characteristics of Chapter 1 services for religious-school participants, special issues in the administration of Chapter 1 services to religious-school students, and the options for improving Chapter 1 services to religious-school participants. Twenty-one exhibits illustrate the discussion. Appendix A describes research on Chapter 1 services to religious-school students sponsored by the U.S. Department of Education. Appendix B describes the major data sources used to generate estimates of private school student participation in Chapter 1. (Contains 53 references.) (GLR)

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Chapter 1 Services to Private Religious School Students

A Supplemental Volume to the National Assessment of the Chapter 1 Program

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CHAPTER 1 SERVICES TO RELIGIOUS-SCHOOL STUDENTS

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The views expressed in this report, developed under contract to the U.S. Department of Education, do not necessarily reflect the position of the Department, and no official endorsement by the Department should be inferred.

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EXECUTIVE SUMMARY

Section 1017 of Chapter 1 of Title I of the Elementary and Secondary Education Act (ESEA) requires school districts to serve eligible students enrolled in private schools. Chapter 1 also requires that these services be "equitable" in relation to Chapter 1 services provided to public-school students. Students enrolled in private schools affiliated with religious groups make up the bulk of all Chapter 1-eligible students in private schools.

Although religious-school students account for a small proportion--3 percent--of all students served by Chapter 1, their participation has been marked by controversy since the debates that preceded the passage of ESEA in 1965. Opponents of the original legislation argued that using federal funds to help educate disadvantaged students who attend religious schools violates the constitutional prohibition against excessive entanglement of church and state. Supporters argued that serving eligible religious-school students is a matter of fairness, insisting that these students have the same needs for assistance as their public-school peers. After a lengthy, often acrimonious public debate, lawmakers agreed to a compromise under which federal aid would be available to all disadvantaged students, including those enrolled in religious schools. The religious schools themselves would not receive any assistance. Instead, state departments of education and school districts would act as public trustees to ensure that religious-school students received their fair share of Title I services and that the services they received were effective.

In 1985, the U.S. Supreme Court, in Aguilar v. Felton, ruled that the administrative structure of the New York City Title I program represented excessive entanglement and declared the arrangements unconstitutional. The most immediate and noticeable impacts of Felton were (1) the relocation of many Chapter 1 instructional and other services away from the premises of religious schools to religiously neutral sites and (2) a sharp decline in participation by religious-school students, partly because of a lack of alternative sites and because of concerns about students' health and safety and disruptions in school schedules. The eight years since Felton have seen an increase in religious-school student participation in Chapter 1; however, religious-school educators argue that the services that are currently available are still inadequate to meet their students' needs.

The 1987 National Assessment of Chapter 1 reported information on Chapter 1 services for students enrolled in private schools. Because the program elements required under Felton had not yet been fully articulated or implemented, however, the 1987 assessment was not able to examine the effects of the ruling. To close this information gap, the 1992 National Assessment of Chapter 1 Act (P.L. 101-305)

required the U. S. Department of Education to study and report on the implementation of section 1017.

This report describes the implementation of section 1017. It draws on findings from several recent studies sponsored by the Department of Education and other research on Chapter 1 services to religious-school participants. These include surveys of school districts that serve religious-school students in Chapter 1, religious schools that enroll Chapter 1 participants, and religious schools whose Chapter 1-eligible students do not receive services. In addition, the report draws on findings from case studies of (1) school districts included in the survey and (2) Chapter 1 services provided under bypass and third-party contracts. The Department also sponsored two, more limited studies of computer-assisted instruction (CAI) and third-party contracts involving Chapter 1 services to students in religious schools. Two broader purpose studies, the Chapter 1 Implementation Study (Millsap, Turnbull, Moss, Brigham, Gamse, & Marks, 1992) and the 1987-88 Schools and Staffing Survey by the National Center for Education Statistics also contain information about Chapter 1 services to religious-school students.

Trends in the Levels of Private-School Student Participation in Chapter 1

Overall, the participation of private-school students--almost all of whom are enrolled in religious schools--in Chapter 1 has increased since the steep post-Felton drop in 1985-86, although participation levels have not yet returned to the estimated level immediately preceding Felton. Based on the survey data reported here, the estimated number of private-school students who received Chapter 1 services during the 1990-91 school year is 174,000. Other estimates of private-school student participation range from 157,500 (based on state-reported Chapter 1 participation data) to 204,400 (based on the 1990-91 "Schools and Staffing Survey") (see appendix B for a more detailed discussion of estimates of private-school student participation). Nationally, approximately 5,050 religious schools in 48 states enrolled Chapter 1 participants, and about 2,050 school districts included these students in their Chapter 1 program.

The effects of Felton on religious-school student participation varied at the local level. In 38 percent of the 2,050 school districts that provide services to religious-school students (or just under 800 districts), there were no changes in participation levels as a result of Felton. There were either modest or substantial decreases in 33 percent of the school districts and modest or substantial increases in 20 percent. (Information on the effects of Felton was not available for the remaining 10 percent of districts.)

Factors that have contributed to increased participation (in those sites where it occurred) include the following:

- The U.S. Department of Education clarified allowable service delivery options.

- Educators were increasingly willing to accept CAI.
- Public- and religious-school educators agreed to work together.
- Public-school officials made efforts to identify and implement service delivery configurations that met parents' and religious-school educators' concerns about safety, security, and scheduling.
- Capital expense funds became available.
- Some districts relied on third-party contractors to provide services.

Factors that have hindered participation include the following:

- Parents and religious-school educators sometimes refuse offers of services.
- School districts may not serve small concentrations of students.
- School districts may lack the capacity to serve larger numbers of religious-school participants.
- School districts may decide not to enter into cooperative agreements to serve eligible religious-school students who live outside their district boundaries.

Characteristics of Chapter 1 Services for Religious-School Participants

In 1990-91 the most frequently used service delivery options were (1) mobile vans parked near religious-school premises or at a public school, (2) portable classrooms on religiously neutral sites (often a small parcel of land leased by a school district from a religious school), (3) CAI located in specially designated facilities on religious-school premises (under Chapter 1 regulations, Chapter 1 personnel and religious-school staff are not permitted to provide any instructional services in these facilities; student work is supervised by noninstructional technicians), (4) other religiously neutral facilities, and (5) public-school facilities. Thirty-two percent of Chapter 1 private-school participants were served through CAI, 29 percent were served in mobile vans, 24 percent were served in neutral sites, including portable classrooms, and 12 percent were served at public school sites. The remaining 3 percent were served in other ways.

Coordination Between the Chapter 1 and the Religious-School Programs

Coordination between the Chapter 1 program and the regular religious-school program most often was informal or occurred through the sharing of written reports on student progress. Chapter 1 staff and regular program teachers also met periodically to discuss instructional coordination. In about 17 percent of local programs, Chapter 1 and the religious-school program followed the same curriculum. Religious-school educators reported no coordination in about 18 percent of all programs. Post-Felton regulations and concerns about possible violations make some school districts wary about too much contact between Chapter 1 and religious-school staff, thus reducing the possibility for close coordination of the programs.

Parental Involvement in Chapter 1 Services for Religious-School Students

Findings about the extent of religious-school parental involvement in Chapter 1 are mixed. School districts reported that religious-school parents were involved in a variety of activities ranging from helping their children with homework to attending parent advisory meetings and advising on program development. Religious schools reported that parents were involved in helping their children with homework and through informal contacts, but that they were much less involved in more formal program development and evaluation processes.

Use of Computer-Assisted Instruction (CAI) to Deliver Chapter 1 Services

About 30 percent of religious-school participants received some or all of their Chapter 1 instruction through CAI, delivered in computer laboratories located within their schools. These arrangements were introduced shortly after Felton because they permitted Chapter 1 services to be delivered on the premises of religious schools, thus allaying concerns about student health and safety in walking or being transported to other locations outside of school buildings. These arrangements also reduced schedule conflicts. While specific CAI service delivery configurations vary, they often share two features. First, student behavior and system operations in the computer laboratories are monitored by technicians who are not permitted to provide any instruction. Second, the instruction is provided through commercially developed integrated learning systems. These systems have the capacity to manage many administrative tasks, serve large numbers of students, and generate individually paced instructional programs. As they are currently implemented, they also tend to focus on basic skills rather than more advanced skills and more challenging content. Critics of CAI as a single service delivery option charge that students whose Chapter 1 services are limited to this form of instruction in a computer laboratory receive inferior services. A number of districts have attempted to remedy this problem by creating configurations that include both CAI and direct instruction by Chapter 1 instructional personnel.

Following initial enthusiasm about CAI, concerns arose about the limited amount of contact between students and Chapter 1 instructional personnel and about the lack of coordination with the regular school program. Indeed, an increasing number of educators are coming to view CAI as a compromise choice. Some districts have experimented with combinations of CAI in laboratories and direct instruction in other settings, such as mobile vans and portable classrooms. These arrangements appear to have some promise.

Special Issues in the Administration of Chapter 1 Services to Religious-School Students

Consultation Between School Districts and Religious Schools

Consultation between school districts and religious-school staff is somewhat limited. The consultation that does occur is most often concerned with the identification and selection of students who will receive services. Religious-school staff were consulted less often about issues such as program evaluation, subjects to be offered, and the location of services. Religious-school teachers were consulted about student identification and selection in about half of the religious schools that enroll Chapter 1 participants, and they were consulted much less often about other issues. To improve opportunities for consultation, some districts have established committees of religious- and public-school representatives to review and solve problems together.

Use of Capital Expense Funds

In 1988, as part of the Hawkins-Stafford Amendments, Congress authorized the use of capital expense funds to cover costs associated with implementing post-Felton service delivery options. Allowable expenditures include transporting students, purchasing equipment, and leasing property. The funds may be used for costs incurred since 1985, current costs, and anticipated administrative costs associated with efforts to increase private-school students' participation in the future. Capital expenses cannot be used to purchase computers because computers are categorized as instructional materials.

During the 1990-91 school year, about a quarter of all school districts that serve religious-school students applied for capital expense funds. Districts that served 1,000 or more religious-school participants were most likely to seek capital expense funds. Among districts that did not apply for capital expense funds, about two-thirds reported that they did not need them, while 27 percent reported that they had been misled about their eligibility or did not understand the requirements.

Bypass Arrangements and Third-Party Contracts

If an education agency is prohibited from providing Chapter 1 services to religious-school students by constitutional or statutory restrictions (as in Missouri) or has substantially failed to do so, the U.S. Secretary of Education bypasses the agency and takes responsibility for providing these services directly. In these cases the Department of Education assumes the role of a state department of education and procures services through competitive contracts awarded to nonreligious third-party vendors. During the 1990-91 school year, about 4,000 religious-school students--3,400 in Missouri and 600 in Virginia--were served under bypass arrangements.

Third-party contractors in the bypass states received high marks for supervision of their staff and responsiveness to the concerns of religious-school educators. Chapter 1 staff and religious-school educators also agreed that the instructional services that contractors provide were at least comparable to those that the local Chapter 1 program could provide.

Under the Chapter 1 program, school districts may also hire third-party contractors to provide services to religious-school participants. The school district retains fiscal responsibility for the Chapter 1 program and ensures that the services are equitable in relation to those provided to public-school students. Nationally, about 50 school districts rely on third-party contracts to serve religious-school students. The largest of these programs, in Puerto Rico, currently serves 16,000 students. Outside Puerto Rico and the bypass states, an estimated 6,600 religious-school students are served by third-party contracts.

In the bypass states, it costs about 15 percent more to deliver Chapter 1 services to religious-school students than it would without the bypass. Higher costs result from the need to transport students and from administrative procedures established to support the bypass arrangements. In school districts that hire third-party contractors, the contractors' cost of delivering Chapter 1 services to religious-school students appears to be lower than the districts' cost. School-district officials and contractors report that third-party contracts are efficient, in large part, because the contractors pay teachers and instructional staff lower wages than school districts pay their instructional personnel. In some cases, particularly when there are small numbers of students at individual service delivery sites, contractors may employ part-time staff, a practice that can also result in lower personnel costs.

Special Problems of Applying Chapter 1 Program Improvement Provisions

The Hawkins-Stafford Amendments and Chapter 1 program improvement provisions define the task of improving Chapter 1 programs as a state and local responsibility.

Applying these provisions to Chapter 1 programs for religious-school students has proved difficult and confusing.

The physical and legal separation of Chapter 1 from the regular religious-school programs made it difficult for some districts to envisage program improvement efforts that met the intent of Hawkins-Stafford provisions. Chapter 1 staff expressed their frustration and uncertainty about the requirements.

In 1991-92, 43 percent of the school districts that served religious-school students--about 900 districts--had prepared plans for meeting the needs of these students as part of their overall program improvement efforts. In addition, about 1,100 districts (54 percent) had identified individual students who had not shown gains over a two-year period.

Equitable Services

Chapter 1 requires school districts to offer services to private-school students that are equitable in relation to those available to their public-school counterparts. Services are equitable if a school district identifies the needs of public- and private-school students on the same basis, provides about the same amount of instructional time and materials to both groups, spends equal amounts of funds on the two groups, and provides equal opportunities for participation.

Many, although certainly not all, Chapter 1 programs meet the current quantitative equitability standards. Where there were unequal per pupil expenditures or amounts of instructional time, the problems could be fairly easily resolved. On several qualitative dimensions, most school districts reported that the services were about the same, but there were some differences:

- 13 percent of school districts relied more on teachers than aides in programs for public-school students than in programs for religious-school students.
- 26 percent of school districts had lower student-teacher ratios in public-school programs.
- 21 percent of school districts used more CAI in public-school programs (with Chapter 1 and other instructional personnel present).
- 16 percent of school districts provided more support services to public-school students.

Regardless of these differences, 68 percent of the 1,300 school districts that have compared the effectiveness of public- and religious-school services found that students in the two programs demonstrated about the same amount of improvement. In 21

percent of these school districts, religious-school students showed more improvement, and in 9 percent there were greater gains in the public-school programs. In addition, religious-school principals rated Chapter 1 "very effective" in 40 percent of schools and "moderately effective" in another 48 percent.

Despite such assertions of effectiveness, the Felton decision makes it difficult to achieve qualitative equitability. As the Chapter 1 program continues to mature, the constitutionally required barriers between Chapter 1 and religious schools will continue to make equitability a problematic objective.

Options for Improving Chapter 1 Services to Religious-School Students

The following policy options stem from the findings of this report on the participation of religious-school students in the Chapter 1 program. Although the options are based on the circumstances of religious-school students, they apply to all private-school students.

1. **Strengthen the statute, regulations, and nonregulatory guidance about consultation and coordination.**

Under this option, school districts could be required to develop and publish plans for consulting with private-school representatives, including schedules for annual cycles for review and discussion of key program elements. These plans could also include clearly delineated expectations and opportunities for participation by private-school representatives. Guidance in this area could be revised to define "meaningful consultation" more clearly.

Guidance for coordination could also be revised to include more information about strategies that are allowable under Felton.

2. **Improve capital expense grant mechanisms.**

The Department of Education could work with state departments and school districts to clarify allowable expenditures and suggest appropriate and simplified procedures, and the Department could take a more active role in monitoring state programs in this area. Capital expense funds could be authorized only for increasing the number of private-school students served; improving the quality of services to those who are underserved, and sustaining the level of existing services to private-school students. States could also be required to submit estimates of future expenditures, thus helping Congress and the Department estimate future funding requirements.

3. **Encourage the development of innovative approaches to serving private-school students and disseminate information and provide technical assistance to state departments of education and school districts responsible for serving private-school students.**

Implementing post-Felton Chapter 1 services to private-school students has not resulted in the development of innovative approaches to providing these services on any significant scale. Instead, school districts and religious-school educators have concentrated on efforts to duplicate pre-Felton instructional activities in new locations.

To encourage the development of alternative approaches to these services, the Department could be directed to earmark a portion of Chapter 1 funds, including capital expense funds, to support local experiments. Under this option, experimental programs would be initiated only after public- and private-school officials agree on their design. Federal projects would be subject to rigorous review and evaluation by public- and private-school officials. Possible areas for experiments include, but are certainly not limited to, the following:

- alternative, performance-based assessments to identify and select eligible students, measure student progress, and evaluate programs;
- intensive tutoring programs during non-school hours;
- comprehensive and integrated approaches to meeting the social, emotional, and academic needs of Chapter 1 students, particularly through public-private-sector partnerships; and
- professional development targeted to the specific needs of Chapter 1 and religious-school teachers who work with Chapter 1 students.

Dissemination and technical assistance efforts could highlight the results of these experiments and other options available for providing Chapter 1 services to religious-school students.

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INTRODUCTION

Section 1017 of Chapter 1 of Title I of the Elementary and Secondary Education Act (ESEA) requires that school districts provide the opportunity for eligible educationally deprived children enrolled in private schools to receive special educational services. Chapter 1 also requires school districts to ensure that those children's participation be "equitable" in relation to Chapter 1 services provided to public-school students. Students enrolled in private schools affiliated with religious groups make up the vast majority of all Chapter 1-eligible students in private schools.

Religious-school students account for just over 3 percent of all students served by Chapter 1. Despite the relatively small size of this group of students, their participation has been marked by controversy since the debates that preceded the enactment of ESEA in 1965. At the heart of the controversy are fundamental questions concerning the constitutional requirement for the separation of church and state and the effects of this provision on the quality of Chapter 1 services for religious-school students.

During the first two decades of Title I/Chapter 1, teachers and staff whose salaries were paid with program funds entered religious-school buildings to provide services to eligible students. Like most public-school Chapter 1 students, program participants in religious schools left their regular classes for instruction and other services provided by Chapter 1 personnel in specially designated rooms. These arrangements changed dramatically in 1985 following the U.S. Supreme Court ruling in Aguilar v. Felton. The Court decided that using Chapter 1 funds to pay Chapter 1 personnel teaching on religious-school premises was unconstitutional.

The eight years since the Court's ruling have seen additional litigation, changes in Chapter 1 regulations, and a sharp decline in religious-school student participation followed by a gradual recovery. There have also been significant changes in the services available to these students, with many of the students leaving their school buildings to receive Chapter 1 services at other locations and others remaining in the buildings for computer-assisted instruction (CAI) under the supervision of noninstructional personnel.

The threat of additional litigation, combined with changing regulations, created confusion and frustration among both public- and religious-school officials during the mid-1980s. In recent years, as local programs have adjusted to the Felton restrictions,

tensions have abated. Nevertheless, problems continue to exist in some school districts. Also, some religious-school educators hasten to point out that accepting services from school districts does not signal agreement that the services are adequate to meet the needs of their disadvantaged students.

This report examines these and other policy issues related to the implementation of Section 1017 and describes the services currently available to religious-school students. The report begins by reviewing the political and judicial history of the requirement that Chapter 1 serve religious-school students. Appendix A describes research on Chapter 1 services to religious-school students sponsored by the U.S. Department of Education; appendix B describes the major data sources used to generate estimates of private-school student participation in Chapter 1.

Much of the descriptive information contained in this report was gathered through three surveys of Chapter 1 services to religious-school students. The first two were included surveys of nationally representative samples of school districts that provide these services (School District Survey) and of religious schools that enroll students who participate in Chapter 1 (Sectarian School Survey). The third survey sought information from a nonrepresentative sample of religious schools that enroll Chapter 1-eligible students, none of whom receive services (School Services Survey).[1] Throughout the report, findings from case studies augment survey data. The case studies examined Chapter 1 services for religious-school students in nine districts included in the national survey, two bypass states (Missouri and Virginia), and Puerto Rico, where services are provided under a third-party contract. The report also presents information from two smaller studies of CAI and third-party contracts; these two studies report findings based on document reviews and telephone interviews. In addition to these studies, the report draws on data from the 1987-88 School and Staffing Survey (Ancarrow & Gerald, 1990) and the Chapter 1 Implementation Study: Interim Report (Millsap, Turnbull, Moss, Brigham, Gamse, & Marks, 1992).

[1] These three surveys of Chapter 1 services to religious-school participants were conducted in 1992 by Westat, Inc. Findings drawn from the unpublished surveys are referenced as (School District Survey), (Sectarian School Survey), and (School Services Survey).

CHAPTER 1
THE POLITICAL AND LEGAL CONTROVERSY OVER FEDERAL AID TO RELIGIOUS-SCHOOL STUDENTS

The history of Chapter 1 services to religious-school students began in the early 1960s, when President John F. Kennedy introduced sweeping legislative proposals for federal aid to public schools. Kennedy's package included extension of the National Defense Education Act and authorizations for a host of other programs that would have touched virtually every segment of the nation's public education system. In the debates on Kennedy's proposals, leaders of the Catholic church and the National Catholic Welfare Conference, which later became the U.S. Catholic Conference, voiced solid resistance to any package that included assistance only for public schools (Doerr & Menendez, 1991). These leaders, joined by several religious and nonreligious groups, demanded that private schools be part of any plan to use federal dollars to aid education, and they vowed to fight legislation that did not include private schools. At the same time, a number of Protestant and Jewish groups, along with many nonreligious organizations, supported the president's plan and expressed strong opposition to using public funds to aid religious schools. Opponents of the president's plan prevailed. The legislation won support in the Senate but was defeated in the House.

In the mid-1960s, the Johnson administration proposed a compromise strategy for providing federal aid to education. Under the compromise, Title I of ESEA would make federal aid available to all disadvantaged students, including those enrolled in religious schools. The religious schools themselves would not receive assistance. Instead, state departments of education and school districts would act as public trustees to ensure that religious-school students received their fair share of Title I services and that the services they received were effective. The compromise won congressional approval and became the guiding principle behind Title I services for religious-school students when ESEA was signed into law in 1965.

If Chapter 1 services to religious-school students were born out of legislative compromise, they have matured through litigation. The 1985 Supreme Court decision in Aguilar v. Felton had a major effect on Chapter 1 services to religious-school students; however, a number of other Supreme Court and lower-court decisions, issued both before and after Felton, also helped shape the requirements for provision of services. One of the most important was the 1971 Supreme Court decision in Lemon v. Kurtzman. This decision established a three-pronged test to determine the

constitutionality of any public policy that could potentially promote federal involvement in religiously affiliated organizations or activities.

> First, the statute must have a secular legislative purpose; second, its principal or primary effect must be one that neither advances nor inhibits religions...; finally, the statute must not foster "an excessive entanglement with religion" (403 U.S. at 612-13 [1971], cited in Ackerman, 1991, p. 13).

The 1977 Supreme Court ruling in Wolman v. Walter further articulated the definition of "excessive entanglement." In this case, the plaintiffs challenged the constitutionality of an Ohio law that permitted the use of public funds for aid to private schools, including religious schools. In a complicated ruling, the justices distinguished between a diagnostician and a teacher, guidance counselor, or therapist. The Court concluded that a diagnostician has limited relationships with students and does not provide services that are directly tied to the educational objectives of the schools. In contrast, the relationship between a teacher, counselor, or therapist and a student was deemed more significant and therefore had greater potential to advance the school's religious doctrine. Thus, diagnostic services in religious schools were allowed under the Constitution's Establishment Clause; other services were allowed if they were provided at religiously neutral locations. The Court also ruled that services that were allowable under the program could be provided at a neutral site, one "that is neither physically nor educationally identified with the functions of the nonpublic school."

In the Felton case, the National Coalition for Public Education and Religious Liberty challenged the New York City public-school system's practice of using Title I funds to provide remedial education services to students in religious schools. In defending this practice, New York City argued that its elaborate system of controls over the program eliminated the threat that the pervasive religious nature of the schools would subordinate the secular purposes of the program (Ackerman, 1991). The Court saw the issue differently and ruled that these controls represented excessive entanglement.

The most immediate and noticeable effect of the Felton decision was the relocation of many Chapter 1 instructional activities and other services to religiously neutral sites, including mobile vans, portable classrooms, and public schools. Subsequent interpretations of Felton, combined with standards set in Wolman, do, however, permit the provision of some Chapter 1 services in religious schools. These include CAI in specially designated computer laboratories free of any religious adornments and diagnostic testing to determine student eligibility. School districts may also use Chapter 1 funds to transport Chapter 1 participants from religious schools to religiously neutral instructional sites (U.S. Department of Education, 1990).

In 1986, the Department of Education issued nonregulatory guidance to help school districts select sites for services to religious-school students that would meet the Wolman standard (U.S. Department of Education, 1990, p. 86):

- The property is at a sufficient distance from the private-school building so that the mobile or portable unit (in which the services will be provided) is clearly distinguishable from the private-school facilities used for regular (non-Chapter 1) instruction.

- The mobile or portable unit is clearly and separately identified as property of the school district and is free of religious symbols.

- The unit and property on which it is located are not used for religious purposes or for the private school's educational program.

- The unit is not used by private-school personnel.

In 1991, in Pulido v. Cavazos, the U.S. Court of Appeals for the Eighth Circuit ruled that the placement of mobile vans or portable classrooms was legal if it conformed to the Wolman standard of being "neither physically nor educationally identified with the function of the nonpublic schools."

One of the most important and controversial regulations issued by the Department of Education is the provision for off-the-top funding for certain administrative costs associated with providing Chapter 1 services. Under this policy, which actually predates Felton, a school district is required to divide its anticipated Chapter 1 costs into administrative and instructional categories. The administrative costs for serving both public- and private-school students are then subtracted from the total available in the Chapter 1 Basic Grant. The remaining funds, which become the instructional budget, are allocated for Chapter 1 services according to the numbers and needs of all eligible students. The rationale for this arrangement is that it ensures that per-pupil allocations for instruction of private- and public-school students are equal. Because the administrative costs of serving religious-school students can be high, off-the-top funding of administrative costs has been a lightning rod for school-district complaints, congressional scrutiny, and legal challenges. Critics charge that off-the-top funding can result in diminished Chapter 1 services to all students or even in disproportionately high funding for religious-school students (U.S. General Accounting Office [GAO], 1987b; Riddle, 1989; Walsh, 1991a).

The courts upheld Department regulations concerning off-the-top funding in four cases, Pulido v. Cavazos (U.S. Court of Appeals for the Eighth Circuit, 1991), Barnes v. Cavazos (U.S. Court of Appeals for the Sixth Circuit, 1992), Board of Education of the City of Chicago v. Alexander (U.S. Court of Appeals for the Seventh Circuit, 1992), and Walker v. San Francisco Unified School District (U.S. District Court, 1991). None of these cases has been appealed to the Supreme Court. Walker is under appeal to the U.S. Court of Appeals for the Ninth Circuit.

CHAPTER 2
TRENDS IN THE LEVELS OF PRIVATE-SCHOOL STUDENT PARTICIPATION IN CHAPTER 1

Estimates of Private-School Student Participation in Chapter 1

Private-school students receiving Chapter 1 services represent a small fraction of all Chapter 1 students. The estimated number of private-school Chapter 1 participants in the 1990-91 school year, the last year for which data are available, is 174,000.[2] By contrast, Chapter 1 serves approximately 5.2 million public-school students (Millsap et al., 1992).

The New York City Chapter 1 program serves the largest number of private-school students. In 1990-91 it served more than 18,000 private-school students, about 10 percent of all Chapter 1 private-school participants. The second largest program, which served just over 11,000 private-school students in 1990-91, is in Los Angeles.

Religious-school Chapter 1 participants make up the bulk of private-school participants. Survey results indicate that about 2,050 school districts (about 13 percent of all school districts) provide Chapter 1 services to religious-school students, who attend approximately 5,050 different schools.[3] Religious-school students

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[2] This figure combines the number of religious-school participants in Chapter 1 in 48 states (153,900, not including those in Puerto Rico and the two bypass states), the number of religious-school participants in the bypass states of Missouri and Virginia (3,521 and 614 respectively), the number of religious-school participants in Puerto Rico (10,733), and an estimate of the number of nonsectarian private-school participants (about 5,000 students). The estimate of 5,000 nonsectarian private-school participants is based on earlier estimates by the National Center for Education Statistics (NCES) of 4,000 nonsectarian private-school participants in 1984-85, 4,500 nonsectarian private-school participants in 1986-87, and the fact that Chapter 1 participation among all private-school students is estimated to have increased by 25 percent since 1986-87. This is a conservative estimate. If the rate of growth among participating nonsectarian private-school students were the same as that of religious-school students, the number might be closer to 6,000 students. When the standard error of the survey estimate is considered, the estimate is between 161,500 and 186,500.

Although 174,000 participants is only an estimate, it is drawn from the most recent survey available. That survey focused only on the Chapter 1 participation of religious-school students. (See appendix B for a discussion of other data sources and estimates of private-school student participation in Chapter 1.)

[3] The estimated number of religious schools does not include religious schools in Missouri, Virginia, and Puerto Rico.

participating in Chapter 1 tend to be clustered in large districts. Nationally, just over 40 percent of religious-school Chapter 1 participants live in 21 districts with total enrollments of 25,000 or more and with Chapter 1 programs that serve 1,000 or more religious-school Chapter 1 participants. Just under 40 percent of religious-school Chapter 1 participants live in about 600 school districts serving 31 to 999 religious-school students each, and about 20 percent live in about 1,400 school districts serving 30 or fewer religious-school students.

Private-school student participation in Chapter 1 fluctuated greatly during the 1980s (see exhibit 1).[4] It peaked at the beginning of the decade at over 200,000 students. Chapter 1 funding cuts during the next few years drove participation down substantially. During the 1984-85 school year, just before the Felton decision, the participation level of private-school students had rebounded, although not to the 1980 level. In the following year, immediately after Felton, participation dropped by more than 30 percent--a one-year loss of almost 57,000 private-school students. Since then, the number of private-school participants has risen, although it has not returned to pre-Felton levels (Sinclair & Gutmann, 1991). Annual changes in private-school student participation in Chapter 1 in the 1980s were roughly parallel to annual changes in public-school student participation, except during 1985-86 (see exhibit 2).

Factors That Affect Religious-School Student Participation in the Chapter 1 Program

The Felton decision had different effects on the number of religious-school students participating in Chapter 1 in different districts (see exhibit 3). Overall, one-third of districts experienced declines in their participation levels as a result of the Felton decision. School districts serving at least 1,000 religious-school students were more likely to report decreases in participation than other districts. More than half of school districts serving 1,000 or more religious-school students reported decreases, while about one-quarter of school districts serving from 30 to 999 students and about one-third of school districts serving fewer than 30 students reported decreases. Additional evidence of the varying impacts of Felton comes from the case study districts. New York City received a one-year waiver from the ruling but had a decline of 10,318 participants--or 49 percent--in the 1986-87 school year. Other school districts, such

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[4] Trend analysis of Chapter 1 services for private-school students requires the use of data from Title 1 Evaluation and Reporting System (TIERS), because it is the only source of annual counts of Chapter 1 participation. Despite some shifts in the categories of participants counted (e.g., private-school participants in Puerto Rico were not counted before 1986-87, and prior to 1988-89, there was no separate category for Neglected and Delinquent Children), TIERS data do reflect trends in participation. However, there is reason to believe that the estimate of 174,000 private-school participants in 1990-91 is better than the TIERS number because of the contrasting survey designs. TIERS is a reporting system covering a wide range of Chapter 1 topics. The School District Survey and the Sectarian School Survey were focused on Chapter 1 services for religious-school students.

Exhibit 1
Private-School Student Participation in the Chapter 1 Program, 1981-1991

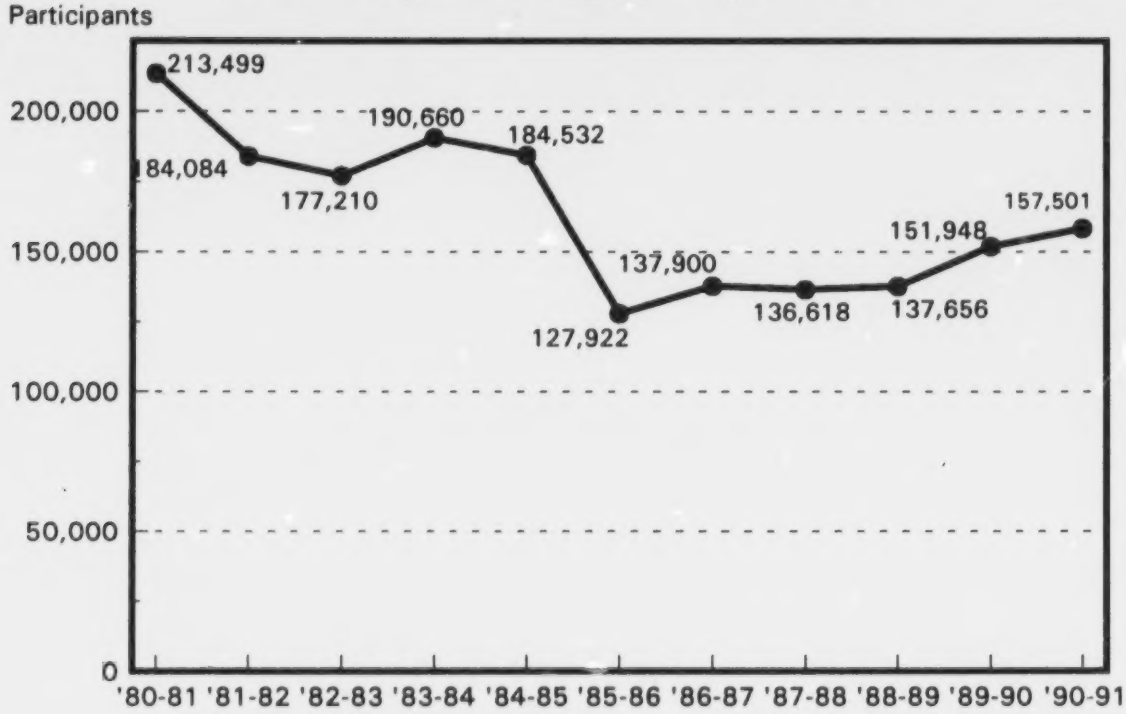
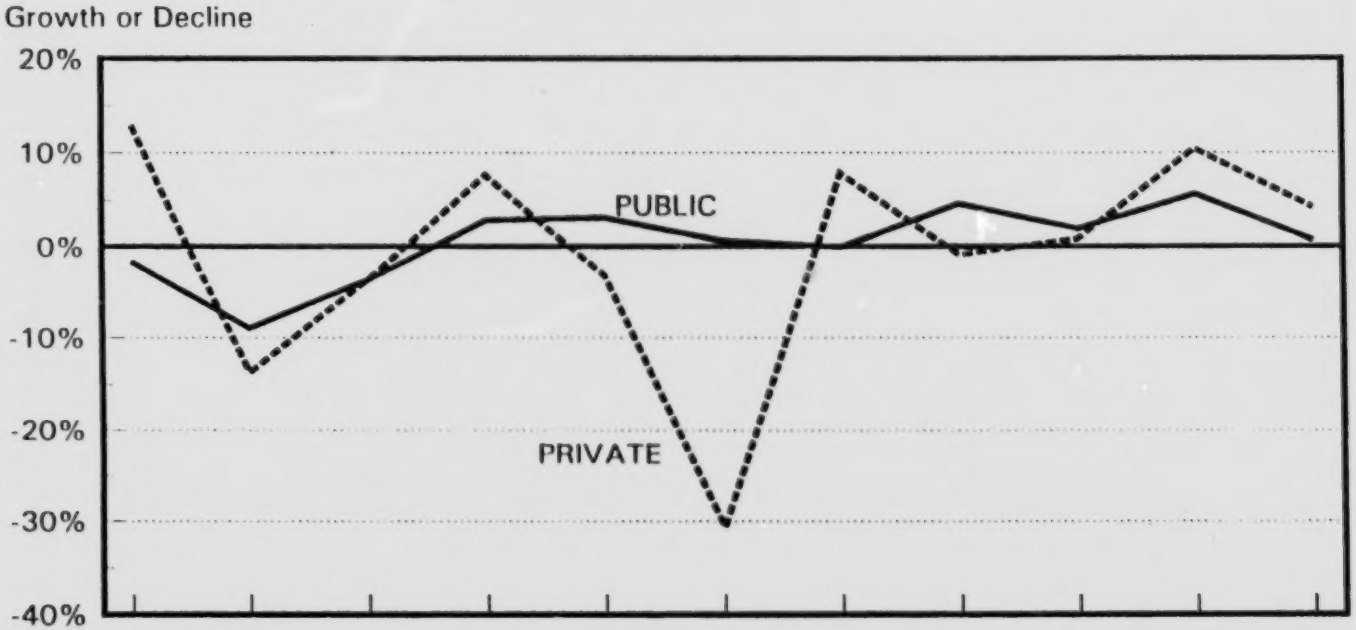


Exhibit reads: 213,499 private school students received Chapter 1 services during the 1980-81 schooi year.

Source: A Summary of State Chapter 1 Participation and Achievement Information, 1989-90 (Sinclair & Gutmann, 1992); and unpublished tabulations for 1990-91.

Exhibit 2

Annual Changes in Chapter 1 Participation Among Public- and Private-School Students, 1981 - 1991



Year	'80-81	'81-82	'82-83	'83-84	'84-85	'85-86	'86-87	'87-88	'88-89	'89-90	'90-91
Public ———	-1.7%	-9.0%	-3.7%	2.8%	3.1%	0.6%	-0.1%	4.6%	1.9%	5.6%	0.7%
Private – – –	12.9%	-13.8%	-3.7%	7.6%	-3.2%	-30.7%	7.8%	-0.9%	0.8%	10.4%	4.2%

Exhibit reads: In 1980-81, public-school student participation in Chapter 1 declined 1.7 percent in comparison with the previous year, while private-school student participation increased by 12.9 percent.

Source: A Summary of State Chapter 1 Participation and Achievement Information (Sinclair & Gutman, 1992).

Exhibit 3

Effect of the Felton Decision on the Number of Religious-School Students Receiving Chapter 1 Services from School Districts, 1992

Extent of Effect on Number of Students	Percent of Districts %
Increased substantially	15
Increased slightly	5
No change	38
Decreased slightly	19
Decreased substantially	14
Don't know	10

Exhibit reads: Some 15 percent of the districts that provided Chapter 1 services to religious-school students reported substantial increases in the number of religious-school students served as a result of Felton.

Source: School District Survey.

Note: Rounding may cause column to sum to more or less than 100 percent.

as Los Angeles, suspended all Chapter 1 instructional services to students attending religious schools for the 1985-86 school year. By contrast, Cleveland was able to maintain pre-Felton levels by moving Chapter 1 programs to mobile vans that already housed state compensatory education programs serving religious-school students.

A number of local factors affect levels of Chapter 1 participation by religious-school students. For example, when religious-school educators were asked to cite specific factors for changes in student Chapter 1 participation since 1984-85, more than half of the respondents cited changes in the total enrollment in their school, the number of Chapter 1-eligible students enrolled in their school, and the willingness of parents to have their children participate in Chapter 1 (see exhibit 4). Factors such as changes in the location of services, the willingness of school personnel to have their students participate, changes in teaching methods, and changes in the grade levels served also were cited as factors, although they appear to be somewhat less important. It is not

possible to determine from the survey responses whether these factors had positive or negative influences or whether the nature of their influence changed as Chapter 1 services changed.

Exhibit 4

Factors Religious Schools Cited in 1992 as Reasons for Changes in Student Chapter 1 Participation Since 1984-85

Factors	Percent of Religious Schools %
Changes in number of Chapter 1-eligible students enrolled in school	61
Changes in total enrollment in school	54
Changes in willingness of parents to have their children participate in Chapter 1	54
Changes in physical location of Chapter 1 services provision	31
Changes in willingness of school personnel to have their students participate in Chapter 1	28
Changes in teaching methods used in Chapter 1 (e.g., computer-assisted instruction)	24
Changes in grade levels served by school	13
Other (specify)	9

Exhibit reads: Sixty-one percent of religious schools that enrolled Chapter 1 participants reported that changes in number of these students who were enrolled affected participation levels.

Source: Sectarian School Survey.

Note: Multiple responses are permitted, so column sums to more than 100 percent.

Factors That Contribute to Increased Participation, Where It Has Occurred

A 1989 GAO study identified three factors that helped increase participation by religious-school students after Felton:

- The Department of Education clarified allowable methods.
- Educators were willing to accept CAI.
- Districts made greater efforts to encourage nonpublic-school student participation.

The recent case studies, which are consistent with the earlier GAO findings, identify some additional factors that have contributed to recent increases in participation:

- A strong commitment by both public- and religious-school officials to work together to review options, plan, and implement services.
- The identification of service delivery configurations and locations that meet parents' and religious-school educators' concerns about safety, security, and scheduling.
- The provision of services by third-party contractors.
- The availability of capital expense funds.

This list does not represent a formula or guide. Indeed, as the examples discussed in this section and elsewhere in this report suggest, the influence of these factors varies with local circumstances (see exhibits 5, 6, and 7).

Factors That Hinder Participation

Despite the increases in participation levels over the past eight years, certain barriers continue to limit the number of religious-school students who are served. Interviews and observations in the case study districts indicated the existence of barriers identified in the GAO study as well as several others. The barriers identified in the case study districts include the following:

- Parents and religious-school educators sometimes refuse service.
- School districts may not serve small concentrations of eligible students.

- School districts may lack the capacity to serve larger numbers of eligible students.

- School districts may decide not to enter into cooperative agreements to serve students who live outside their district boundaries.

Like the factors that contribute to increased participation, these factors may vary in their actual effects from one district to the next. Furthermore, none of these barriers is necessarily a result of Felton; each existed prior to 1985. Yet district compliance with post-Felton requirements is obviously linked to the extent to which parents and

Exhibit 5

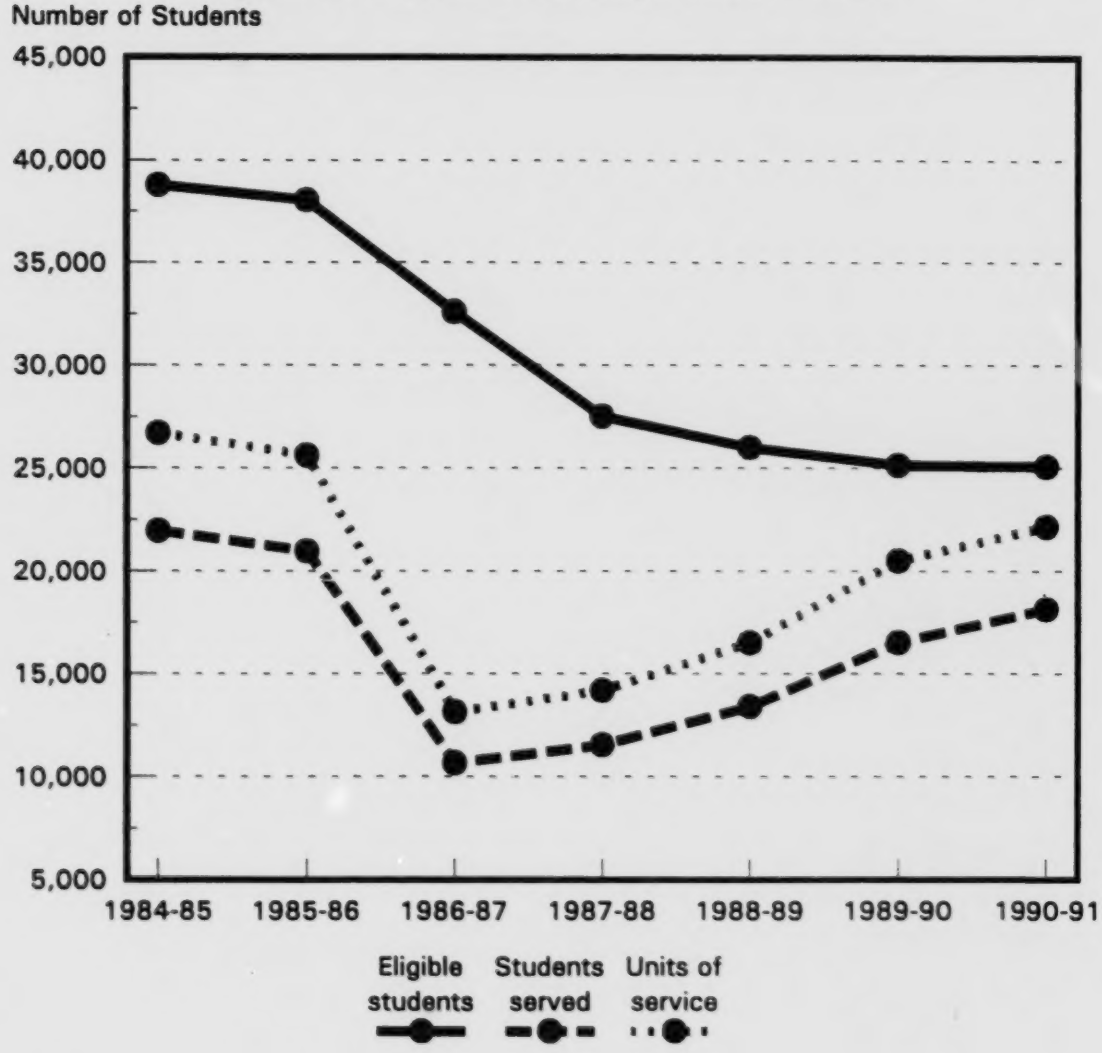
Factors That Increase Participation of Religious-School Students

New York City has the largest number of religious-school students of any district and is the "home" of Felton. Implementation of services to religious-school students has been difficult and challenging, but the working relationship between public- and religious-school officials has matured. In New York City, a formally organized "Committee of Nonpublic-School Officials," made up of Catholic, Jewish, Episcopal, Lutheran, Greek Orthodox, and Ukrainian Orthodox leaders, meets with public-school officials from both the city and the state to work out problems.

The committee's advocacy and the public-school officials' commitment to the delivery of high-quality services have resulted in large increases in both the number of religious-school students served and the diversity of service delivery modes. In fact, the percent of Chapter 1-eligible private-school students served is currently above pre-Felton levels, although not quite equal to the participation rate among public-school students (see exhibit 7). District officials and some religious-school representatives disagree about the cause of the drop in the number of eligible private-school students. Among the causes cited are an enrollment decline, lower cut-off scores for eligibility, and the unwillingness of a few schools to identify eligible students.

New York City has reduced the number of religious schools rejecting Chapter 1 services from 100 to 13. The number of individual programs has nearly returned to pre-Felton levels. There has been a significant drop in the use of public schools as neutral sites; CAI-only programs are beginning to decline and are being replaced with a combination of CAI and direct teacher instruction; mobile vans are the predominant service delivery location; and new options like interactive technology and take-home computers are being tested. Although religious-school officials continue to voice concerns about the quantity and quality of services available to their students, the gains in participation and program variety are evidence of progress (see exhibit 8).

Exhibit 6
Chapter 1 Participation of Private-School Students in New York City, 1985 - 1991



Source: Annual Report: Implementation of Chapter 1 Programs (New York City Public Schools, 1985-86 through 1990-91).

Note: One unit of service = one student receiving Chapter 1 instruction in one subject area for one year.

Exhibit 7
The Development of New York City's Chapter 1 Program for Religious-School Students, 1986 - 1991

	June 1986	June 1987	June 1988	June 1989	June 1990	June 1991
In religious school	247	0	0	0	0	0
In public school	0	52	42	29	17	12
Public school & CAI	0	0	0	10	12	8
Mobile vans	0	72	72	60	78	86
Mobile vans & CAI	0	0	0	11	18	52
Leased sites	0	17	14	9	8	6
Leased sites & CAI	0	0	0	4	6	7
CAI only	0	0	22	53	59	41
Take-home computer	0	0	0	0	16	27
Other alternative*	0	0	0	0	0	49
Interactive tech	0	0	0	0	0	3

Exhibit reads: In June 1986, there were 247 service delivery locations for religious-school students, all in religious schools.

Source: New York City Public Schools, Office of Monitoring and School Improvement, Bureau of Nonpublic School Reimbursable Services.

*Total may include take-home computers and other programs listed above.

schools refuse services. Felton also made it difficult for districts to find cost-effective ways to serve small concentrations of Chapter 1-eligible students and to respond quickly to the requirement to find neutral sites for large numbers of eligible students.

Refusal of service. As of 1990-91, in 16 percent of the school districts that served private-school students with Chapter 1, "some or all private-school officials and/or Chapter 1 parents have declined participation given the program design options available" (Millsap et al., 1992, pp. 6-8). School districts have made considerable progress in addressing parents' and religious-school educators' concerns about health, safety, security, and disruptions in school schedules, often after making serious efforts to consult and work with representatives of religious schools. In Boston, for example, parents and religious-school educators rejected initial post-Felton offers of service, with the result that only 200 students received services in 1985-86; the introduction of a systemwide CAI program alleviated many concerns and led to a substantial increase in participation. Parents in Sioux City, Iowa, particularly parents of the youngest children, were reluctant to accept Chapter 1 services that required having their children transported to a public school. The school district agreed to set up portable buildings very close to their children's schools.

Another reason for refusing service is that some religious-school educators want to avoid involvement with federal programs. Nationally, at least some private schools in 41 percent of school districts with Chapter 1-eligible religious-school students have chosen not to have their students participate in any federal program (Millsap et al., 1992). In some instances, however, religious educators distinguished between Chapter 1 and Chapter 2 programs. For example, in Amarillo, Texas, in 1990-91, eligible students in only 2 of 16 religious schools participated in Chapter 1, whereas 10 of the 16 schools participated in Chapter 2. Data from the School Services Survey can shed some light on this issue, although they should be considered with caution because of the nonrepresentative nature of the sample. The School Services Survey was completed by religious schools with Chapter 1-eligible students, none of whom were receiving services. Of 78 religious schools with Chapter 1-eligible students who did not receive Chapter 1 services, three-fourths enrolled children who received Chapter 2 support.

Difficulty of serving small concentrations of students. Some school districts have found it difficult to develop and implement cost-effective strategies to provide Chapter 1 services to low concentrations of religious-school students. In most cases, the minimum number served at a site is between 10 and 20 students. However, in an extreme example, the Chapter 1 program in one urban district chose 70 as the minimum number of participants needed in a potential service delivery site before services would be provided. (The district determined that this was the "minimum necessary to make provision of any service worthwhile.") The New York City Chapter 1 program has introduced take-home computers for students who attend schools with small numbers of Chapter 1 participants. As reported later, third-party contractors are sometimes hired to serve small concentrations of students.

Lack of capacity. The third barrier to higher levels of participation is the absence of school- district administrative and resource capacity to expand the number and scope of services to religious-school students. For example, the process of applying for capital expense funds may be sufficiently cumbersome that school-district staff conclude that the process is not worth their effort. A more serious problem can arise with the need to procure additional facilities and equipment. Large, complex bureaucracies, such as those in Boston, Los Angeles, New York, and Cleveland, have decision making and procurement procedures that make the purchase or lease of substantial amounts of property difficult and time-consuming. Opening new facilities (such as mobile vans and portable classrooms) in big cities can be costly and may mean negotiating with labor organizations over staffing and salaries. In small school districts, such as Mound Bayou (Louisiana), Amarillo (Texas), and Johnstown (Pennsylvania), Chapter 1 is a one- or two-person operation, with staff assigned responsibilities for a number of other programs. In these cases, expanding services to religious-school students depends on individual determination to take the time necessary for conducting needed consultations and making necessary arrangements; obtaining clearances from layers of local bureaucracy is not typically a problem in these places, however.

Absence of cooperative agreements between school districts. A final barrier is the absence of cooperative agreements to serve religious-school students who live in a Chapter 1 attendance area in one school district but attend a school located in another school district. In three of the urban school districts in the case studies, the flow of eligible religious-school students was from neighborhoods within the school district's boundaries to religious schools in a nearby suburb. Because there was no cooperative agreement between school districts, these students were not served. Because the number of students affected was small, school district officials did not see serving them as a high priority. In one of these districts, the Chapter 1 administrator put the issue in the local political context (see exhibit 8). For her, diverting "desperately needed" Chapter 1 dollars from an "underfunded" urban school district to a more affluent suburban school district would be "morally wrong and politically impossible." Religious-school educators, however, see the problem as one of needy students not being served. In another large urban district, the flow of students went in the other direction: Chapter 1-eligible religious-school students commuted to their schools from nearby suburban systems. Again, the numbers were small and there were no efforts to address the issue. Teachers in schools that these students attended were frustrated that their students could not be served.

Exhibit 8

Cooperative Agreements and Local Dilemmas

One large urban school district faces daunting challenges. The cohort dropout rate is about 50 percent, 11 percent of its students are held back each year, 60 percent of ninth-graders are overage, and mobility rates at some grade levels exceed 100 percent a year. The school district which is about 70 percent African American, is surrounded by predominantly white, affluent school districts.

A small number of students who attend a Catholic school in one of the nearby suburban school districts live on the edge of this school district. The Chapter 1 coordinator has thus far refused to pay for Chapter 1 services for these students. Well aware of the resource disparity between her school district and those in the suburbs, and convinced that the neediest students are those who remain in the district, the Chapter 1 coordinator asks, "What's my primary obligation?"

CHAPTER 3
CHARACTERISTICS OF CHAPTER 1 SERVICES FOR RELIGIOUS-SCHOOL PARTICIPANTS

Immediately following Felton, school districts sought alternative service delivery locations that both met the new requirements and were acceptable to parents and religious-school officials. Indeed, Felton affected location of services in 73 percent of school districts serving religious-school students under Chapter 1, or, according to the School District Survey, approximately 1,500 districts. The options most frequently considered were: (1) mobile vans parked near religious-school premises or at a public school, (2) portable classrooms at religiously neutral sites (often a small parcel of land leased from a religious school), (3) public-school facilities, (4) other neutral facilities, and (5) CAI housed in specially designated facilities on religious-school premises. During the 1990-91 school year about 32 percent of participating students who were enrolled in religious schools received services through CAI in laboratories in their schools; another 29 percent were served in mobile vans; 24 percent were served at other neutral sites, including portable classrooms; 12 percent were served in public schools; and the remaining 2 percent of students received services in other ways (Millsap et al., 1992). School districts that served more than 1,000 religious-school students and higher-poverty school districts were more likely to use mobile vans and CAI, whereas school districts serving 30 or fewer religious-school students and low-poverty school districts were more likely to rely on public schools as service delivery sites (see exhibit 9).

These findings have significant implications for instruction: just under a third of religious-school participants receive services by computer, with limited or no direct instruction by a Chapter 1 teacher, while the remaining 70 percent receive services in off-campus locations where direct instruction by Chapter 1 teachers is permissible. The case studies suggest that vans and portable classrooms can be cramped and noisy, permitting little movement or activity and typically providing limited space for storing supplies and materials. In the case study school districts where mobile vans were used for Chapter 1 instruction, Chapter 1 teachers made the best of sometimes difficult circumstances (see exhibit 10). Inadequate heating, noise from electrical generators or traffic, immovable tables and benches, and physical isolation test the inventiveness of even the most seasoned and creative teachers.

Exhibit 9
Service Delivery Locations for Religious-School Students, 1990-91 School Year

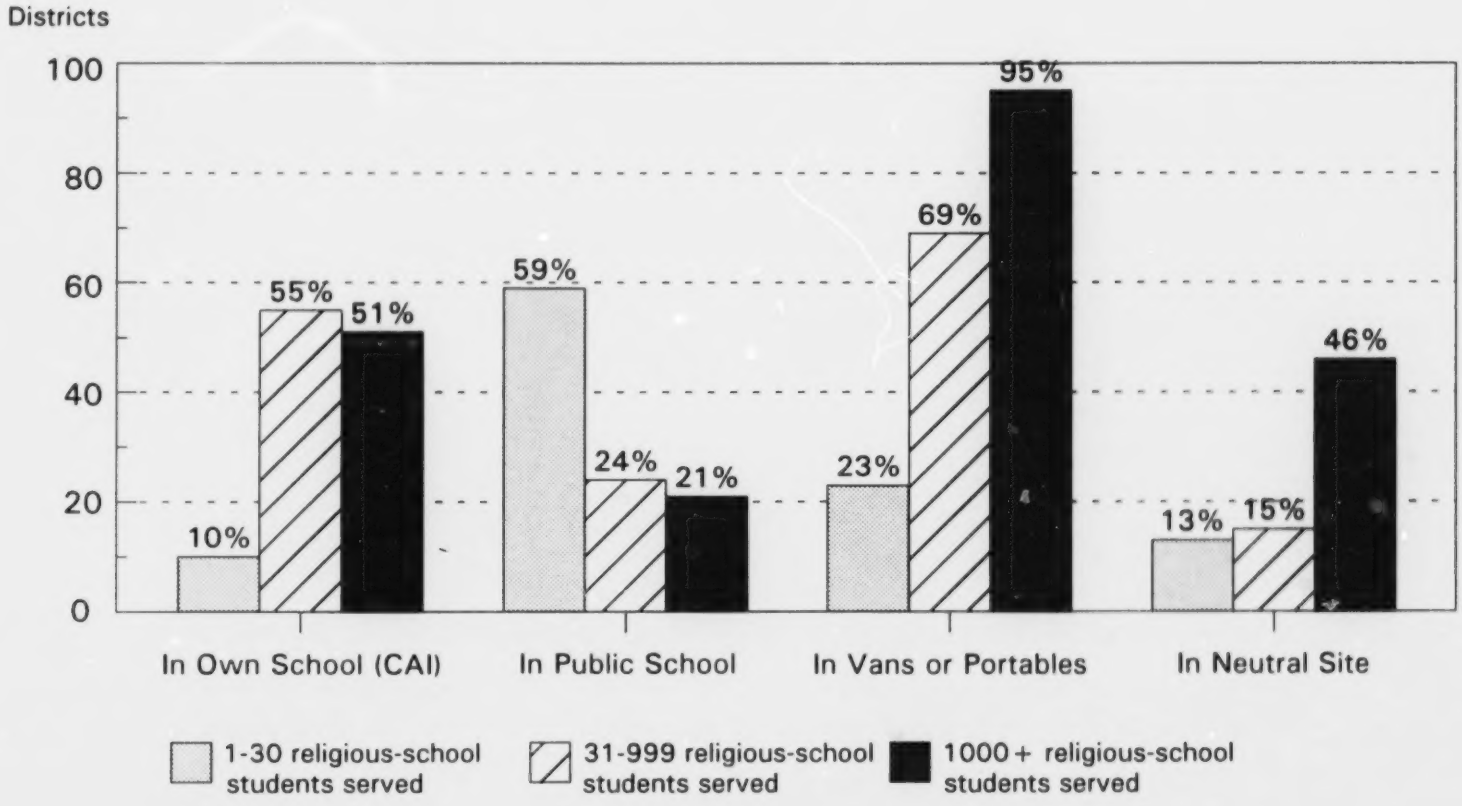


Exhibit reads: 10 percent of districts serving small numbers of religious-school students have Chapter 1 services delivered in the students' school through computer-assisted instruction.

Source: School District Survey.

Exhibit 10

"Van Teaching" in Chapter 1

The mobile vans in Chapter 1 programs in one case study school district were all of late-1970s vintage. Inside, the classroom space was very small, about 7 feet by 12 feet, and filled with several computers, a duplicating machine, a telephone, overstuffed bookshelves, a work table, a bench, and six small chairs. The limited wall space was covered with children's drawings and poems.

One class of six second graders began by shedding their coats, receiving cheerful greetings from the teacher, and exchanging the news of the day. "My mommy wasn't home yesterday, so I couldn't show my paper;" "We lost our dog!" "I'm really hungry." The teacher distributed folders, and soon the children were leaning over worksheets of scrambled words to decipher.

In the remaining 23 minutes of class the teacher led the children through three additional instructional activities. After the warm-up word drill, children searched for phonic patterns in the ten words on a small chalk board, practiced saying new words, read from their self-selected storybooks, summarized the stories, and speculated about what they thought would happen next.

The teacher ended the session by awarding stickers. The students piled their folders in the center of the table, put their coats back on, and lined up at the van's door. The teacher reminded them to be quiet and then led them out into the cloudy 10- degree day and across 100 yards of an ice-covered parking lot to return to their school.

Despite the obvious and important differences, religious-school students' participation in Chapter 1 mirrors that of public-school students in some ways: in 1990-91, 90 percent of religious-school students who received Chapter 1 services were in the elementary grades (K-6); most received instruction in reading and mathematics.

Although some voiced concerns about lost instructional time caused by Felton restrictions, in response to survey questions most religious schools reported small amounts of lost instructional time for travel to and from Chapter 1 classes. According to the Sectarian School Survey, the estimated average travel time for the round trip, including time for putting on and taking off coats, was 8.5 minutes. However, observations at case study sites confirmed the religious-school and Chapter 1 teachers' contention that travel time during bad weather, especially for the youngest students, was a problem.

The number of days per week in which religious-school students received services varies. Only 9 percent of religious schools reported one day a week of Chapter 1

reading instruction; 31 percent reported two days, 21 percent reported three days, 12 percent reported four days, and 27 percent reported five days. Religious schools reported a similar number of days of Chapter 1 mathematics instruction.

The duration of Chapter 1 instructional services for religious-school students also varies. Forty-five percent of religious schools reported instructional sessions in reading as lasting between 16 and 30 minutes. Another 44 percent reported instructional sessions in reading as lasting between 31 and 60 minutes. Again, a similar pattern was reported for mathematics instruction.

Most Chapter 1 instructional services to religious-school students occur during the regular school day, according to the Sectarian School Survey. Only 6 percent of religious schools reported that their Chapter 1 students received services outside the normal school day. For those students receiving Chapter 1 instructional services during regular hours, 51 percent of religious schools reported that students missed some combination of basic skills classes, traditional academic classes, library or free period, or physical education. Nearly a quarter of religious schools reported that Chapter 1 students missed only basic skills or traditional academic classes.

Although there is not yet much systematic information to compare and contrast the schools attended by public- and private-school participants, there are some differences. Most private-school Chapter 1 participants attended small schools located in urban areas (Ancarrow & Gerald, 1990) (see exhibit 11). Seventy percent attended schools with enrollments of less than 300, and 55 percent attended schools in urban areas. In contrast, 86 percent of public-school participants attended schools with enrollments of 300 or more, 60 percent attended schools with enrollments of 500 or more, and 39 percent attended schools in urban areas. The patterns of minority enrollment were similar across the two groups of schools, although public-school students participating in Chapter 1 were somewhat more likely to attend schools with high proportions of minority students (Ancarrow & Gerald, 1990).

Eligibility and Selection of Religious-School Students for Chapter 1 Services

Under Chapter 1, private-school students, like students in public schools, are eligible to receive services if they live in a target attendance area and show evidence of educational deprivation, as determined by local standards. In determining the latter condition, the Chapter 1 project must assess the educational needs of private-school students in the same manner as it assesses the needs of public-school students. The

Exhibit 11

Percent of Public/Private-School Students Receiving Chapter 1 Services and Their Schools, by Selected School Characteristics, 1987-88 School Year

Selected characteristics	Students		Schools	
	Public %	Private %	Public %	Private %
Type of community				
Rural/farming	25	15	39	18
Small city/town	22	17	25	26
Suburban	13	13	13	15
Urban	39	55	21	41
Size of school				
Less than 150 students	3	19	11	30
150 - 299	10	51	20	49
300 - 499	26	17	33	16
500 - 749	31	--	23	--
750 or more	30	--	13	--
Minority concentration				
Less than 5%	20	24	37	42
5% - 19%	15	15	21	22
20% - 49%	18	18	18	13
50% or more	47	43	24	23

Exhibit reads: Twenty-five percent of all public-school Chapter 1 participants in 1987-88, lived in rural or farming communities.

Note: Columns in individual cells may not sum to 100 percent because estimates are rounded or because there are too few sample cases (fewer than 30) for a reliable estimate.

Source: 1987-88 Schools and Staffing Survey: Comparisons of Public and Private Schools (Ancarrow & Gerald, 1990).

eligible private-school students must then receive services at the same grade levels as those who are served in the public schools.[5]

School districts rely heavily on student test scores to determine eligibility of religious-school students and to select eligible students who will receive services (see exhibit 12). Ninety-one percent of school districts reported using test scores to identify students in religious schools who were eligible for Chapter 1 services, and 93 percent used those same test scores to select eligible students for participation. Districts also reported that they sought advice from religious-school teachers (73 percent) and administrators (51 percent) in determining the eligibility of individual students. Religious schools reported nearly identical percentages when asked about methods used for determining eligibility and selecting participants. However, some religious-school administrators and teachers in the case study school districts complained that the reliance on test scores is excessive, that it misses some students who need services, and that it identifies some who "don't test well" but who are performing well in their classes.

Several of the large urban school districts included in the case studies apply additional selection criteria that reflect decisions about targeting Chapter 1 services. For example, in Cleveland the school district uses a locally developed formula to identify students with the greatest needs among those who fall below the 36th percentile cut-off for eligibility.

Several of the case study school districts have experienced problems in coordinating the Chapter 1 testing program with the testing programs of the religious schools. When there were different testing schedules, delays occurred in identifying eligible students, and students may have had to wait until the following year to receive services. Religious schools may also have been slow in providing test results or may have provided inaccurate or out-of-date information. In any of these situations, information that led to a student's identification for services may have been as much as a year out of date by the time the student entered the program.

Despite these difficulties, school district and religious-school officials in some districts are working together to resolve problems in determining eligibility.

For example, in New York City the Chapter 1 testing cycle was recently revamped in an effort to speed the program's starting date in the fall and to provide more timely and accurate information about student progress. However, not all religious schools

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[5] The Department of Education has determined that constitutional issues prohibit schoolwide projects in private schools. In authorizing schoolwide projects, Congress believed that students in schools with very high concentrations of disadvantaged students are likely to be better served by a program that focuses on the whole school. However, because a schoolwide project addresses the entire school program, implementing such a project in a religious school would violate the constitutional prohibition against excessive entanglement. In these instances (as in any other), the Chapter 1 project would serve religious-school students at the same grades as are involved in the schoolwide project.

Exhibit 12

Methods Used by School Districts to Identify and Select Eligible Religious-School Students to Receive Chapter 1 Services, 1992

Methods	Percent of School Districts	
	Identification %	Selection %
Test scores on reading, language arts, or mathematics	91	93
Recommendations of classroom teachers	73	20
Recommendations of principals	51	49
Other tests or measures	46	73
Recommendations of special program teachers	26	22
Scores on English-language proficiency tests or measures	19	52
Other (specify)	5	8

Exhibit reads: Ninety-one percent of districts that provided Chapter 1 services to religious-school students in 1992 reported that they used test scores on reading, language arts, or mathematics to identify eligible students.

Note: Multiple responses are permitted, so columns may sum to more than 100 percent.

Source: School District Survey.

have agreed to change their testing schedules. In Cleveland, Chapter 1 teachers are working with religious-school teachers and principals to make joint recommendations about Chapter 1 participation to the parents of selected children.

Coordination Between the Chapter 1 and the Religious-School Programs

A guiding principle of Chapter 1 is that the program is most likely to help disadvantaged students succeed if it is carefully coordinated with the regular instructional program. To that end, Chapter 1 requires that school district plans "provide for the allocation of time and resources for frequent and regular coordination

between Chapter 1 staff and the regular staff" (Section 200.20[a][10][(D]). The Department of Education's guidance goes further:

> This coordination should be a two-way street. That is, while the Chapter 1 program should be structured in a way that does not detract from and in fact fits smoothly into the regular program, the school district should also examine which aspects of the regular program may be facilitating or frustrating the success of Chapter 1 children (U.S. Department of Education, 1990, p. 36).

The substance and tone of this general guidance for Chapter 1 stand in sharp contrast to the guidance regarding coordination of Chapter 1 and regular programs in religious schools. Supporting a more arm's-length relationship, the Department suggests that a school district may want these discussions to take place "at a public school site, other neutral site, or by telephone," and not at the service delivery site while the services are being provided (U.S. Department of Education, 1990, p. 84).

Studies conducted in the first year after Felton found that communication between Chapter 1 and the regular program in religious schools had deteriorated and that there was considerable confusion about what was allowable (Millsap & Wilber, 1987). Some school districts set fairly strict limits on communications. Although teachers found ways to work around them, these restrictions, along with more general concerns about inadvertently violating Felton standards, led classroom teachers in religious schools to perceive that Chapter 1 was no longer closely aligned with the regular program. They also believed that they had less information about their students' academic progress.

While there has been some change in this area, data from the Sectarian School Survey indicate that problems persist (see exhibit 13). In 78 percent of schools, coordination was informal, and in 75 percent, there was some sharing of written records of student progress. In 60 percent, there were formal meetings, and in 17 percent, Chapter 1 instruction included the same instructional materials as the regular program. The fact that only 60 percent of religious schools reported holding meetings to coordinate Chapter 1 with the regular program may reflect concerns about violating Felton standards and the problems that arise in trying to work around them in anything other than informal ways. In 18 percent of the religious schools with Chapter 1 participants, there was no coordination between Chapter 1 and the regular program. As the data presented in exhibit 14 indicate, religious-school respondents were somewhat more likely to report patterns of coordination in the 40 percent of sites where the Chapter 1 programs were rated as "very effective." Although the differences between the two sets of responses are not large, this finding suggests that coordination may be an important component of programs rated "very effective."

The case studies pinpoint continuing special problems in coordinating programs for religious-school students. As earlier studies reported, both public- and religious-school staff reported some confusion and misunderstanding about what is permissible.

Exhibit 13

Coordination Activities of Chapter 1 Programs for Religious-School Students in All Programs and in Programs Rated "Very Effective" by Religious Schools, 1992

Coordination Activities	Percent of Religious-Schools	
	All Chapter 1 Programs for Religious-School Students %	Chapter 1 Programs for Religious-School Students Rated "Very Effective" %
Chapter 1 and regular classroom teachers have informal discussions (by telephone or in person) as needed.	78	87
Chapter 1 and regular classroom staff share written records of student progress.	75	82
Chapter 1 and regular classroom teachers hold periodic meetings to discuss instructional coordination.	60	68
A single curriculum series is used in both the Chapter 1 and regular instructional program.	17	19
Chapter 1 staff do not coordinate instruction with the regular program.	18	11

Exhibit reads: In 78 percent of all Chapter 1 programs for religious-school participants, coordination with the regular school program occurred through informal conversations between Chapter 1 teachers and regular classroom teachers in the religious school in 1992.

Note: Multiple responses are permitted, so columns may sum to more than 100 percent.

Source: Sectarian School Survey.

Several school districts had policies governing the location and conditions under which communication could take place. For example, in one school district, Chapter 1 teachers were not allowed to enter the religious-school premises for any reason, except to use the lavatories. Other school districts had very strict rules about sharing materials. Teachers worked around these policies but continued to worry that "it

might not be what we are supposed to be doing." These policies set a tone for communication, as they also establish guidelines for how it is to occur. Where these policies exist, the tone of strict separation may be the most serious impediment to coordination.

In some school districts, Chapter 1 teachers were part of the life of the school and communicated regularly with religious-school teachers and principals. For example, Chapter 1 teachers in Cleveland completed a coordination form every week or two to document the specific skill areas that the religious-school teachers identified as needing attention. In addition, teachers engaged in informal conversation as Chapter 1 students travel to and from the mobile van. Several Chapter 1 teachers in Cleveland also explained that they regularly attend school events and parent meetings.

Parental Involvement in Chapter 1 Services for Religious-School Students

Chapter 1 contains a number of provisions for parental involvement in the program. Required activities include (1) getting parents involved in decision making about program development and implementation, (2) informing parents of program goals and content, (3) informing parents of their children's progress, (4) supporting and assisting parents as partners in teaching their children, and (5) assessing parental involvement activities.

School districts reported that parents of religious-school Chapter 1 participants were involved in a number of activities. For example, 91 percent reported that these parents were "very involved" or "somewhat involved" in advising on program design and in helping children with their homework; 84 percent reported that parents were "very involved" or "somewhat involved" in parent advisory sessions. Districts also reported that the extent of parental involvement was about the same for both public- and religious-school parents. These findings should be interpreted cautiously because the surveys did not seek information about the number of parents who participate in these activities.

In their accounts of participation by parents of Chapter 1 participants, religious schools reported that parents are "very involved" or "somewhat involved" through informal contacts (86 percent of the schools) and that they are "very involved" or "somewhat involved" in helping their children with their homework (see exhibit 14).

Religious schools reported lower participation in areas such as working with advisory groups and designing and evaluating the programs, although respondents might not always be aware of Chapter 1-related activities for parents, particularly those at the district level.

Exhibit 14
Religious Schools' Reports of Parental Participation in Chapter 1 Activities

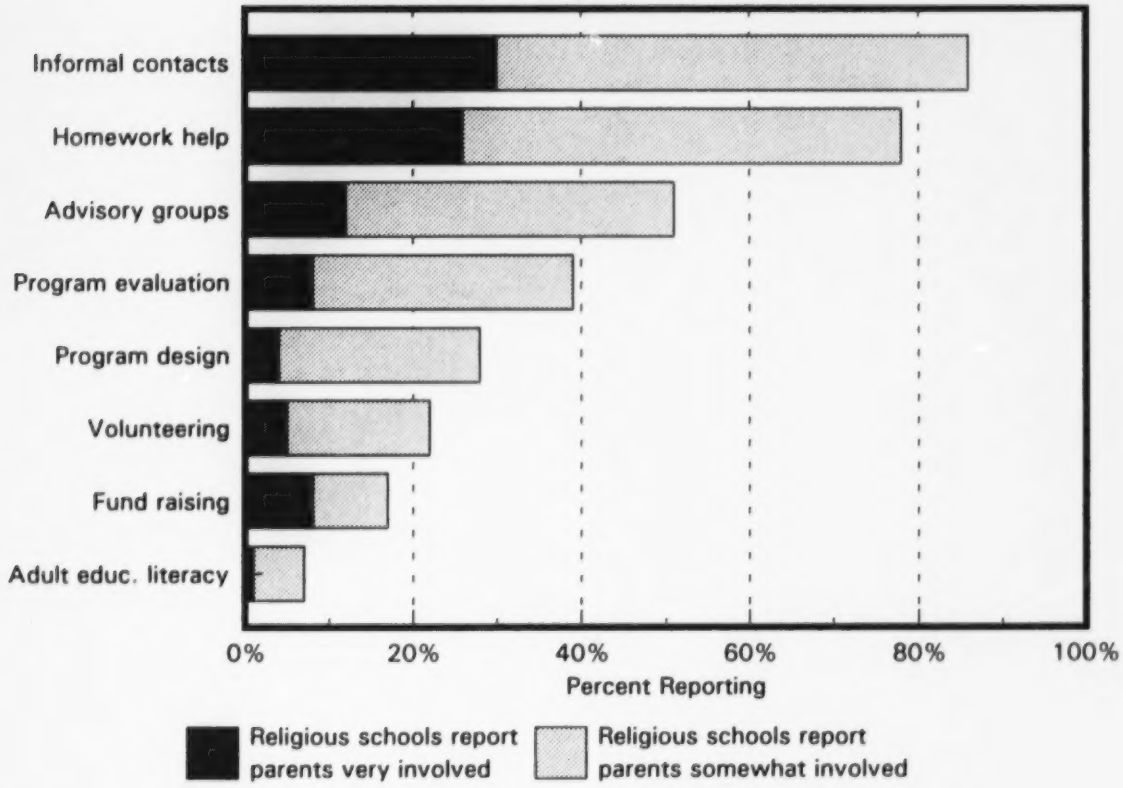

Exhibit reads: Religious schools report that 30 percent of parents are very involved in informal contacts with the Chapter 1 program, while another 56 percent are somewhat involved in informal contacts with Chapter 1.

Source: Sectarian School Survey

Most school districts have established formal mechanisms to encourage parents to become involved in the activities open to them, but there are several reasons why parents may not participate actively in Chapter 1 planning, decision making, and evaluation. Parents of religious-school participants may not be particularly interested in or concerned about organizational issues in public-school programs. A second possibility is that because religious-school parents represent such a small part of the entire Chapter 1 parent population, school districts are simply not very aggressive in seeking them out. A third possibility is that planning, decision making, and evaluation are functions that take place in the school district, with little involvement by the school personnel whom the parents actually know.

School districts have developed a number of strategies for getting parents of religious-school students involved in activities to support Chapter 1 instruction. For example, parents in New York City were invited to attend a workshop where they were given colorful bags filled with learning materials, including math manipulatives, a calculator, various measurement tools, a storybook, stories on tape, and an assortment of learning activities to be done at home. In Cleveland the teachers' contract included a clause that pays Chapter 1 teachers for up to 20 hours per year of communications with parents. In Amarillo, Texas, the Chapter 1 programs offered workshops for parents on discipline, homework assistance, health, and nutrition.

Use of Computer-Assisted Instruction (CAI) to Deliver Chapter 1 Services

During the past 25 years there has been a dramatic increase in the number of computers available for use in education, and Chapter 1 has been a major source of funds for their purchase and installation. Nonetheless, few education programs take full advantage of the potential of computers and other sophisticated technology for enhancing teaching and learning (U.S. Congress, Office of Technology Assessment,1988). This is particularly true where computers are used primarily to replace teachers for drill and practice in basic skill development.

Following Felton, a number of school districts began to experiment with CAI housed in computer laboratories in religious-school buildings. In 1989 the GAO estimated that local Chapter 1 programs in 24 states had spent $34 million on computers to serve private-school students, more than on any other option. This estimate did not include capital expenditures that may have been used to upgrade facilities for computer use.

As noted previously, an estimated 30 percent of participating religious-school students received some or all of their Chapter 1 instruction by CAI in computer laboratories. More generally, CAI was available for at least some religious-school students in about 44 percent of the Chapter 1 sites where they are served, according to the Sectarian School Survey. CAI was much more likely to be available at service delivery sites in districts that served 31 or more religious-school students than in those that served 30

or fewer students. It was used somewhat more often in Chapter 1 programs serving secondary school students (67 percent) than in those serving elementary school students (42 percent), and it was more likely to be used in Chapter 1 programs for Catholic school students (48 percent) than those for other religious-school students (23 percent). CAI was used across all grade levels served in Chapter 1 programs, and it was used slightly more often in Chapter 1 reading programs than in Chapter 1 mathematics programs. There was limited use of CAI in language arts programs.

Chapter 1 CAI programs in computer laboratories housed in religious schools typically share two features. First, they rely on commercially developed integrated learning systems (ILSs) to provide instructional services. An ILS links individual computer workstations in classrooms or computer laboratories to a host computer that may be located some distance away. Students move from their regular classrooms to the laboratories for their instruction. The host computer manages the instructional activities at individual workstations; monitors the pace, sequence, and outcomes of individual student work; and maintains records of student progress that can be distributed to teachers in the regular school program. Most ILSs can handle large numbers of students and manage a variety of administrative and recordkeeping functions simultaneously.

The second feature of CAI programs is that noninstructional technicians monitor student work and the operation of the computer systems. Under post-Felton Chapter 1 regulations, these technicians are not permitted to provide any instruction. In some cases, district contracts with vendors include the provision of technical support. Teachers from the regular school program are not permitted to enter the CAI facility except to help keep order or to escort students to or from the room.

After rejecting school district offers of Chapter 1 services in locations that they regarded as unsafe, inconvenient, or otherwise unacceptable, many religious-school educators and parents have welcomed the CAI laboratories into their schools. These facilities brought new technology for their students. They also addressed concerns about student safety and security associated with off-site service delivery locations, and they reduced conflicts with the schedule of the regular school program. Local Chapter 1 administrators often favored CAI in laboratories because it can serve large numbers of students, is generally easier to administer than other options, and promises individual instruction for all students.

A recent review of research on Chapter 1 CAI programs in computer laboratories located in religious schools identified five problems that appeared in a number of these programs (Russo & Haslam, 1992):

- ILSs are not implemented in ways that allow them to function at their full capacity, and they almost certainly require the presence of regular instructional personnel to be effective.

- Noninstructional technicians are not adequately trained to monitor sophisticated systems.

- The physical isolation of the programs, combined with inadequate communication about student work and progress, severely limits coordination with the regular program.

- Despite improvements in hardware, software, and data transmission networks, problems with system maintenance continue to disrupt instructional services.

- In most CAI programs in computer laboratories, instructional content is limited to basic skills; more complex reasoning skills and challenging content get less attention.

As the disadvantages of CAI in a school-based laboratory become more obvious, religious-school educators and Chapter 1 personnel have become less enthusiastic about its use. For many, CAI is a compromise choice. They recognize its advantages for program operation and administration but would prefer at least some direct instruction by a Chapter 1 teacher. As one Chapter 1 program director said, "They [the vendor] didn't tell us that we needed a teacher. An ILS without a teacher is like a car without a driver." Another program director with five years of experience working with ILSs reported that his school district is likely to reject one of the more popular systems because it is "too teacher-oriented.... It requires too many judgments by teachers." He did not feel that the noninstructional technicians in his school district were capable of making those judgments, even though an extensive support network is available to assist them. A third program director underscored the problems of inadequate communication and the lack of coordination by suggesting that they were the reason why all seven CAI sites in his school district had been identified for program improvement. The absence of a Chapter 1 teacher has led religious-school educators in some school districts to reject laboratory-based CAI altogether, even if it means that fewer of their students will be served (Russo & Haslam, 1992). The Los Angeles Chapter 1 program has rejected CAI in laboratories as a service delivery option because there is a policy that requires face-to-face instruction by Chapter 1 personnel at all service delivery sites; under this policy, services that do not include face-to-face instruction would not be equitable.

In response to the problems and concerns about CAI in the laboratories, a few school districts are experimenting with service delivery configurations that combine CAI with face-to-face instruction by a Chapter 1 teacher, although this interaction may be limited to a single weekly instructional session. In these programs, students may work in a computer laboratory under the supervision of a technician and then meet with a Chapter 1 teacher in a portable classroom, mobile van, or some other neutral site. Chapter 1 programs in El Paso (Texas), Newark (New Jersey), New York City, and San Francisco have adopted these arrangements. This approach appears to have two advantages, in addition to providing face-to-face instruction by a Chapter 1 teacher: it eliminates some of the barriers to communication and coordination with teachers in

the regular program and it facilitates assessment of student progress and diagnosis of individual problems (Russo & Haslam, 1992).

Chapter 1 programs in Chicago and Tucson have gone a step further by installing computer laboratories and other computer facilities in portable classrooms located on or near the grounds of religious schools. These arrangements permit more extensive use of the computers' diagnostic and prescriptive functions and easier integration of CAI with other instruction. A few other school districts are experimenting with more sophisticated "distance learning" programs that permit students to interact with Chapter 1 teachers (see exhibit 15). Almost without exception, these combinations of service delivery options require funds from both the school district's Chapter 1 Basic Grant and a capital expense grant, although the relative proportions of support necessary from these two sources vary with local circumstances.

Exhibit 15

A Glimpse at Other Technologies That Can Provide Chapter 1 Services to Religious-School Students

The Chapter 1 program in Fort Worth, Texas, is experimenting with add-ons to its ILS, including interactive computer and video programs that display animated images and text on system monitors. This high-capacity system permits students to access a wide variety of information as well as a computerized encyclopedia, instead of transmitting a prescribed sequence of lessons.

In Houston, Texas, the Chapter 1 program uses a cable television system to broadcast instruction in reading and math to religious-school students. Broadcasts are received in classrooms equipped with video monitors and telephones so that students can converse directly with the teachers. The rooms are staffed by non-instructional monitors. Early evaluation results have been disappointing. Problems include lack of coordination between Chapter 1 and the regular program, inappropriate programming, and heavy burdens on classroom teachers, who are asked to distribute and evaluate student workbooks as part of the instructional programming.

Chapter 1 services to religious-school students in New York City include an experiment in distance learning. Students receive instruction in small-group sessions conducted by a teacher in a central location. Lessons are transmitted in computer-generated video displays, and students may interact with the teacher over a speaker phone. Early reports on this system indicate that although it mimics face-to-face instruction more effectively than other computer systems, it suffers from poor-quality audio transmission. It is also very expensive.

Source: "The Uses of Computer-Assisted Instruction in Chapter 1 Programs Serving Sectarian Private School Students" (Russo & Haslam, 1992).

As promising as some of these examples may be, they are still not the norm. Indeed, many school district Chapter 1 directors continue to view CAI in a laboratory and face-to-face instruction as mutually exclusive options for serving religious-school students (Russo & Haslam, 1992).

CHAPTER 4
SPECIAL ISSUES IN THE ADMINISTRATION OF CHAPTER 1 SERVICES TO RELIGIOUS-SCHOOL STUDENTS

Consultation Between School Districts and Religious Schools

Chapter 1 requires school districts to consult with private-school representatives about student participation, needs assessment, program design and location, staffing, and evaluation. Consultation is to occur annually at all stages of planning, implementation, and operation of the Chapter 1 project. To ensure documentation of consultation and offers of equitable services, the Department of Education encourages, but does not require, districts to use a form that details consultation and offers of services, with a space for private-school officials to sign (U.S. Department of Education, 1990).

Despite these broad requirements, consultation with religious-school representatives is somewhat limited in practice. Both district officials and religious-school principals reported that school districts consulted with religious-school educators most often on the identification of Chapter 1-eligible students and selection of those who will receive services. Districts reported that they consulted about subject and grade-level targeting with administrators (79 percent), teachers in the regular school program (56 percent), Chapter 1 instructional staff, and parents (60 percent). Religious-school educators reported that building-level administrators were consulted about student identification and selection (79 percent), grade levels to be served (77 percent), program evaluation (66 percent), subjects to be offered (63 percent), service delivery methods (60 percent), and location of services (58 percent) (see exhibit 16). These findings indicate that between 35 and 40 percent of religious-school administrators were not consulted about important issues related to the provision of Chapter 1 services to their students. Teachers and other religious-school staff were consulted even less often.

As in other elements of the organization of Chapter 1 services to religious-school participants, local conditions appear to affect both the quantity and quality of

Exhibit 16

Percent of Religious Schools Reporting Which Members of Their School Staff Consult with Public-School Personnel About Various Aspects of Chapter 1 Services, 1992

Religious-School Staff	Topic of Consultation with Public-School Personnel					
	Student Identification and Selection %	Grade Levels to Be Served %	Subjects to Be Offered %	Service Delivery Methods %	Location of Services %	Program Evaluation %
Administrators	79	77	63	60	58	66
Teachers	53	27	28	14	8	26
Instructional aides	6	4	4	4	3	5
Resource & curriculum specialists	8	5	5	6	4	6
Counselors	6	4	3	3	3	4
Evaluators	2	1	1	1	1	2
Other (specify)	4	3	3	2	3	4

Exhibit reads: Seventy-nine percent of religious-school building administrators consulted with public-school personnel about the identification and selection of students who will receive Chapter 1 services in 1992.

Note: Multiple responses are permitted, so rows and columns may sum to more than 100 percent.

Source: Sectarian School Survey.

consultation. For example, several religious-school officials interviewed for the case studies complained that administrative turnover within school districts results in lapses in consultation and changing interpretations of regulations. Lack of overall administrative capacity also can be a factor, particularly in smaller school districts. One school district Chapter 1 director reported that multiple responsibilities forced her to have "communication on an as-needed basis." Her religious-school counterpart was so overburdened by other responsibilities that she was happy to sign off on the school district's plan without question. To be sure, lack of administrative capacity is not a justification for providing less-than-adequate services. It is, however, a fact of life in some districts.

In several large school districts, committees of officials from religious schools and the school districts reviewed issues and ironed out problems. In one, a principals' cabinet and a committee of religious-school teachers advised the school district on Chapter 1 issues. In interviews, both religious-school and school-district Chapter 1 officials said that they viewed these committees as valuable forums for identifying and resolving problems. Religious-school representatives welcome the committees' existence but reported that the committees do not always meet regularly. Opinions varied as to the committees' effectiveness.

In communities where religious groups have a strong political presence, school districts tend to be particularly sensitive to the needs of religious-school students. Jersey City, for example, has what one Chapter 1 administrator described as a "historic affinity for the Catholic schools." This was demonstrated when the New Jersey State Department of Education took over the school district, and the state-appointed superintendent removed the district's long-time liaison to the religious schools and sought to subcontract out Chapter 1 services to a third-party contractor. A small group of religious-school principals persuaded the new superintendent to appoint a new liaison and to continue to use the public-school staff to deliver Chapter 1 services.

One reason for the limited consultation in some school districts is that both Chapter 1 administrators and religious-school representatives are satisfied with the program as it is, and do not see much need for consultation about anything other than routine matters. For example, in Los Angeles, Sioux City (Iowa), and Johnstown (Pennsylvania), the programs are reported to operate smoothly, and Chapter 1 staff and religious-school representatives agreed that few, if any, major issues require their attention. Religious-school representatives in all three of these communities also pointed out that if problems or questions do arise, they have relatively easy access to the Chapter 1 administrators. In these school districts, effective consultation appeared linked to both the commitment of individuals and the administrative capacities of the school districts and religious-school organizations. State departments of education may also support the local consultation processes by monitoring district efforts in this area as part of their local plans for Chapter 1 programs (see exhibit 17).

Exhibit 17

A State Role in Chapter 1 Programs for Religious-School Students

To facilitate monitoring local implementation of Chapter 1 programs for religious-school students, the New York State Department of Education's Bureau of Grants Management has developed a Nonpublic School Participation Report Form. This form, which districts must complete in their applications for federal assistance under Chapter 1, Chapter 2, and the Eisenhower Mathematics and Science Program, requests the following information for each private school:

- an indication of whether the school accepts or declines services; and
- a description of the services to be offered and an explanation of any problems that came up during consultation and planning, particularly if no agreement was reached.

Districts are required to provide information about eligibility criteria, the percentile cut-offs for services, per-pupil expenditures for both public- and private-school students, numbers of students served, service delivery options, staffing plans, instructional time, and accessibility of service delivery sites.

State department of education staff reported several uses for the information. It helps them and the state Chapter 1 office work together to monitor district compliance with requirements for consultation, identifying eligible students and providing equitable services. When combined with data about other programs and patterns of expenditures, the information can be used to identify gaps and areas of overlap in services. As a means of ensuring that districts consult with private schools, the individual school portion of the form is distributed to private schools by the district, and a private- school administrator is required to sign the form.

Use of Capital Expense Funds

In order to alleviate the anticipated drain on Chapter 1 funds associated with the costs of implementing Felton-related service delivery options, the Hawkins-Stafford Amendments earmarked Chapter 1 funds for "capital expenses" associated with services to religious-school students. Under this provision, the Department of Education allocates funds to state departments of education, and the state departments award the funds to school districts through a grant application process. The funds can be used for (1) reimbursement of eligible expenditures incurred after July 1985, including costs of transporting students, purchasing equipment, and leasing property; (2) payment of eligible current expenses associated with serving private-school students; and (3) payment of administrative costs that school districts incur in order to increase private-school student participation in the future. Because

capital expense funds are to be used only for administrative costs, they cannot be used for the purchase of computers, which are considered instructional tools. They can, however, be used to install computer equipment and to upgrade facilities in which computers will be housed.

Appropriations for capital expenses for fiscal years 1988 through 1991 approached $81 million. However, the 1989 GAO study found that 46 of 52 state Chapter 1 coordinators estimated that districts had or would incur a total of $105 million in eligible expenses through 1988-89. The same study also found that 46 states, not including California, had incurred $63 million in eligible expenses by 1988. Six states (New York, Texas, Pennsylvania, Louisiana, New Jersey, Illinois) accounted for $80 million (76 percent) of the $105 million. New York accounted for the largest amount with $34 million in expenses. Overall, the GAO concluded that the 1989 appropriation of $19.8 million would cover 31 percent of the estimated $63 million expenses that school districts in 46 states would incur by the end of the 1988-89 school year, and that in states with large expenses the allocation contained a "somewhat smaller percentage of capital expenses" (GAO, 1989, p. 22). The Department of Education budgets for fiscal years 1992 and 1993 included about $40 million each year for capital expenses.

The GAO also found that most state departments of education--41 out of the 47 that responded to the GAO survey--planned to use the funds for past and present expenditures, while only five planned to use them to cover future costs associated with increasing private-school student participation (GAO, 1989). Of the total $63 million in capital expenditures by 1988, $31 million was spent on mobile vans, $17 million was spent on neutral sites, $12 million was spent on portable classrooms, and $3 million was spent on public school sites (GAO, 1989).

During the 1991-92 school year, about a quarter of all school districts that serve religious-school students applied for capital expense funds. In the four-year period beginning in 1988-89, school districts serving 1,000 or more religious-school students were much more likely than school districts serving fewer than 31 religious-school students to apply for capital expense funds (see exhibit 18). The number of school districts serving 31 to 999 religious-school students and applying for capital expense funds increased significantly in 1990-91. Among the school districts that did not apply for capital expense funds, about two-thirds reported that they did not need them, while 27 percent reported that they had been misled about whether they qualified for funds or that they did not understand the requirements.

District expenditures of capital expense funds tend to reflect their decisions about service delivery options. According to the School District Survey, school districts serving 1,000 or more religious-school students and higher-poverty school districts, which rely on vans and portable classrooms to serve religious-school students, spent relatively large portions of their capital expense funds on purchases and leases of real and personal property. In contrast, small school districts and low-poverty school

Exhibit 18
Trends in the Receipt of Capital Expense Funds, by Numbers of Religious-School Students Served, 1988-89 through 1991-92

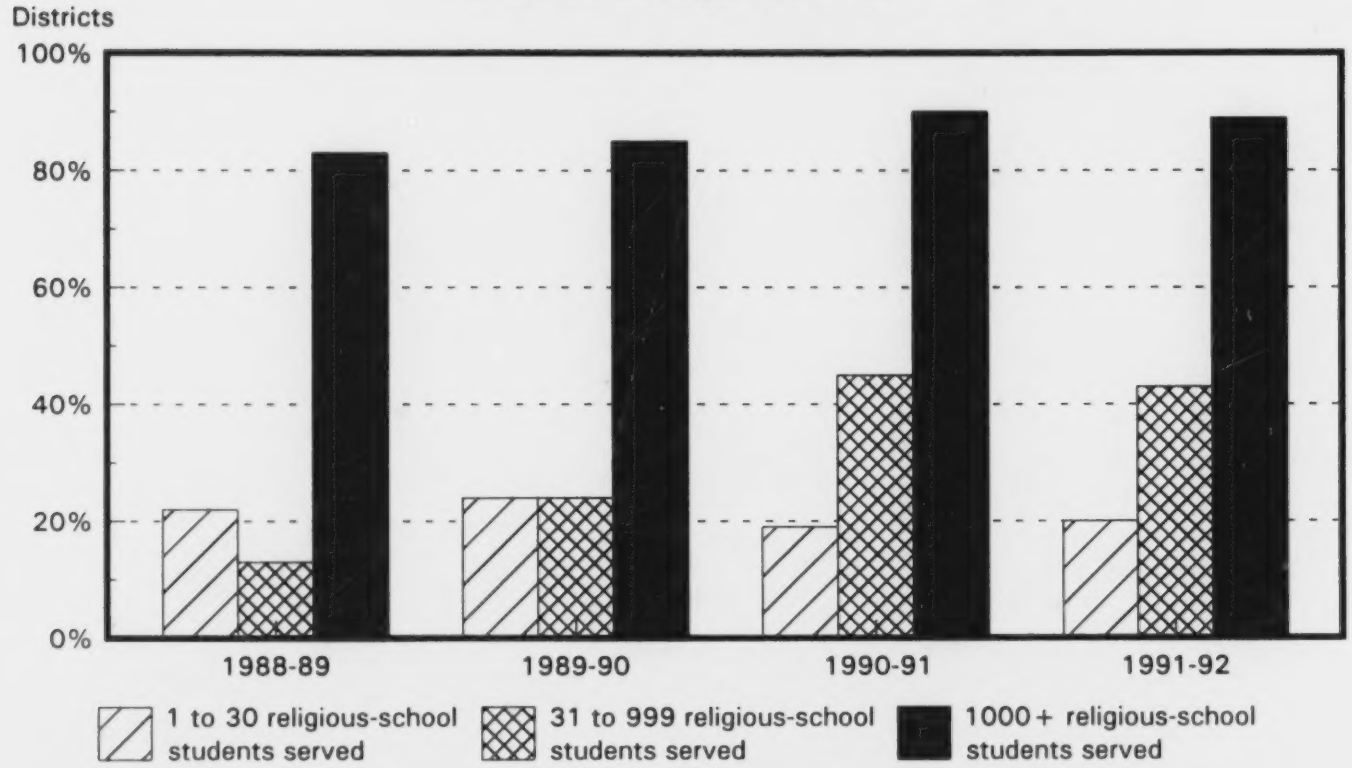

Exhibit reads: In 1988-89, 83 percent of districts serving 1,000 or more religious-school students received capital expense funds.

Source: School District Survey

districts, which rely more extensively on public schools and other neutral sites for services, used large portions of their capital expense funds for transportation.

Six of the case study sites received capital expense funds. By the 1991-92 school year, New York City had received approximately $15.6 million. In 1991-92 alone , New York City received over $8 million in capital expense funds (and took almost $3.9 million off the top of its Basic Grant for administrative costs for serving religious-school participants). By 1991-92, Los Angeles had received a total of $2.7 million. At the other end of the spectrum, the school district in Johnstown, Pennsylvania, applied for and received $16,900 in 1989-1990 and has not applied for capital expense funds since then.

The case study sites used capital expenses primarily for leasing portable classrooms and mobile units. Most Chapter 1 program directors said that the funds were adequate to cover their needs, although several said that they would like to have been able to use the funds for computers, instructional materials, and staff development.

The case studies indicated some confusion about how the funds could be used and how to apply for them. The most common misunderstanding was about the use of capital expense funds for the lease or purchase of computers. Several of the districts had originally requested funds for these expenses, and their requests had been denied. At the time of the site visits, it appeared that the specific problems had been resolved and, in the end, had not prevented school districts from receiving funds. Chapter 1 staff in a school district that did not apply for the funds also were confused about the ways they could be used. In addition, these staff members concluded that completing the state application was too difficult and time-consuming.

Although capital expense funds cannot pay for computers, they have nonetheless been particularly important in supporting CAI services: School districts often used capital expense funds to upgrade the facilities that house the computer laboratories and to pay for installation of the systems. School districts that combined CAI with face-to-face instruction by Chapter 1 teachers or aides relied on capital expense funds to lease or purchase portable classrooms or mobile units and used their Basic Grants to purchase the computer hardware and software (Russo & Haslam, 1992).

Bypass Arrangements and Third-Party Contracts

If a school district is prohibited from providing Chapter 1 services to religious-school students by constitutional or statutory restrictions (as in Missouri) or has substantially failed to do so (as in Virginia), the U.S. Secretary of Education bypasses the school district and takes responsibility for providing these services directly. This is accomplished through competitive contracts awarded to nonreligious, third-party vendors. During the 1990-91 school year, about 4,000 religious-school students--600 in Virginia and 3,400 in Missouri--were served under bypass arrangements.

In a bypass arrangement, the U.S. Department of Education assumes the state's role as the agent for organizing and providing services to religious-school students. In establishing bypass programs, the Department requires that contractors employ teachers with the same qualifications as those in the public-school programs and pay them on the same salary scale as their public-school counterparts. The Department also sets gains of two normal curve equivalents (NCEs) as the minimum standard for student achievement and requires contractors to communicate with parents about the program.

Under bypass arrangements, contractors provide instructional services in mobile units or other religiously neutral sites, in part because contractors are prohibited from using public-school facilities. In both Virginia and Missouri, Chapter 1 students receive instruction in reading and mathematics and a limited amount of supplementary services. Because a number of Chapter 1-eligible religious-school students live in relatively isolated parts of Missouri, the contractor also makes take-home computers available to these students. A Chapter 1 teacher monitors student work on the computers during weekly visits.

Bypass contractors in the bypass states received generally positive marks for the quality of instruction, supervision, and staff development, according to respondents interviewed in the case study sites. Contractors also appeared well attuned to Hawkins-Stafford provisions for increased attention to more advanced skills. Because of Department of Education requirements, contractors devoted considerable attention to enlisting the support of parents in various instructional activities, although there was little evidence of parental participation in decisions about program design and evaluation. The contractors have built good working relationships with religious-school groups. The relationship in Virginia appeared especially strong, at least in part because the contractor made a special effort to communicate with religious-school staff about a variety of instructional issues. In Missouri, several years of complicated litigation have made everyone wary of working too closely.

While data on costs of Chapter 1 services in the bypass states are limited, it appears that services provided under these arrangements cost more than Chapter 1 services to religious-school students in other states. In what the Department of Education described as a "high estimate" derived from data from the 1987-88 school year, the cost of operating the bypass program in Missouri after Felton was about 15 percent higher (or about $250 per student) than it would have been without the bypass (Fagan, 1989). Higher costs are primarily a result of the additional administrative expenses needed to operate a Chapter 1 program in a bypass state.

Even when there are no prohibitions against serving religious-school students, Chapter 1 permits school districts to hire third-party contractors to provide the Chapter 1 services. The school district retains responsibility for fiscal matters, monitors the quality of the services, and ensures that they are equitable in relation to those provided to the public-school students. Typically, third-party contracts set

requirements for the quantity of services (number of students, duration and frequency of instructional sessions, etc.), but not for the quality of services.

During the 1992-93 school year, approximately 50 school districts nationwide relied on third-party contracts to serve religious-school students. Contracts are in place in school districts in Delaware, the District of Columbia, Florida, Illinois, Kentucky, Maryland, New Jersey, North Carolina, Oregon, Texas, and Puerto Rico. The largest is in Puerto Rico, where the number of religious-school participants increased from 5,000 in 1985-86 to more than 16,000 in 1992-93 (see exhibit 19). Outside Puerto Rico and the bypass states, about 6,600 religious-school students are served by third-party contractors. Although there are numerous small third-party contractors, three large vendors deliver Chapter 1 services to 96 percent of religious-school students served under these arrangements, not including those in the bypass states.

Third-party contractors in nonbypass states generally provide Chapter 1 services for less than it would cost the school district to deliver similar services. School district officials and contractors acknowledged that third-party contracts are efficient, largely because the contractors pay teachers and instructional staff lower wages than school districts pay their instructional personnel. In some cases, particularly when there are small numbers of students at individual service delivery sites, contractors may employ part-time staff, a practice that can also result in substantially lower personnel costs. School-district officials and contractors also pointed out that contractors were sometimes able to provide materials and facilities more cheaply and quickly than the school districts, although one Chapter 1 director reported that he used school-district accounts to purchase supplies and equipment for the contractor because he could do so for less money.

Most third-party contractors provide instructional services in vans or other mobile units. Where students are sufficiently concentrated at individual service delivery sites, services may be provided in more spacious temporary classrooms. Chapter 1 officials said that the instructional services are at least comparable in quality to those that the school district could provide. Religious-school educators generally agreed with this view, and they argued that the lower cost of services provided by third-party contractors permitted more religious-school students to be served. They added that the contractors were very responsive to their concerns. Several school districts have encouraged this responsiveness by adding contract clauses that require accountability to religious-schools as well as to the school districts. For their part, contractors pointed out that being responsive to religious-school educators' concerns and requests was simply good business; if religious schools rejected the services, contractors lost money. The responsiveness of third-party contractors could make these arrangements particularly attractive to religious-school educators who feel shut out of important decisions about Chapter 1 services for their students.

Although school districts are responsible for ensuring the quality and equitability of services, third-party contract arrangements can raise accountability questions. As one Chapter 1 director explained, "It's a quick, easy way to get a service with the least

Exhibit 19

The Third-Party Contract in Puerto Rico

In February 1986, following a seven-month period during which public- and private-school officials were unable to reach agreement on other service delivery options, the Puerto Rico Education Department hired a third-party contractor to provide Chapter 1 services to religious-school participants. During the first year approximately 5,000 students were served at approximately 35 sites. By 1992-93 the program had expanded to serve more than 16,000 students. The contractor provided instruction in English, mathematics, and Spanish. Instructional sessions lasted 30 to 45 minutes a day, with many students receiving instruction in two subject areas.

In addition to providing instructional services, the contractor is responsible for procuring supplies and equipment, hiring and supervising staff, and maintaining relationships with the religious-school principals and religious-school organizations.

The contractor's supervisory staff hold monthly meetings with teachers to review instructional and administrative issues. They also visit classrooms once a month to observe instruction, review lesson plans and attendance records, check for maintenance problems, and offer advice and assistance. Supervisors are expected to provide written reports to the teachers after every visit.

The contractor assumes most of the responsibility for communicating with the religious schools whose students participate. There are three annual meetings with the Puerto Rico Education Department and religious-school associations representing a number of different denominations and an islandwide council of principals that meets four to five times a year to advise the contractor on a variety of program issues. The contractor also communicates information about the program every two months through a newsletter.

There were several indicators of the program's success. First, a substantial number of students tested out of the program within two years. Teachers in the regular program also reported that students do better in the regular program after participating in Chapter 1.

In 1991-92 the contractor for the first time received a two-year contract, which permitted more efficient planning for instructional services as well as procurement of new equipment and supplies.

amount of hassle, generally speaking. But you run the risk of losing the ability to hold people to the level of accountability you otherwise might hold them to."

Special Problems of Applying Chapter 1 Program Improvement Provisions

The Hawkins-Stafford Amendments and Chapter 1 program improvement provisions define the task of improving Chapter 1 programs as a state and district responsibility. School districts are to identify Chapter 1 programs whose students show no improvement or a decline in aggregate performance and develop and implement, in coordination with the school, a plan to improve the program. Applying the program improvement provision to Chapter 1 programs for religious-school participants has proved difficult and confusing.

In 1991-92, 43 percent of the districts that served religious-school students--about 900 districts--had prepared plans for meeting the needs of religious-school students as part of their overall program improvement efforts, according to the School District Survey. Higher-poverty districts were somewhat more likely to have developed plans than low-poverty districts (51 percent and 34 percent, respectively). Districts serving more than 30 religious-school students were somewhat more likely to have developed plans (about 54 percent) than districts serving 30 or fewer students (about 38 percent). As in public-school programs, districts are also responsible for identifying individual private-school students for program improvement. In 1991-92, in addition to identifying programs for improvement, about 1,100 districts (54 percent) had identified individual students who had not shown gains or made substantial progress over a two-year period.

The physical and legal separation of Chapter 1 services from the regular religious-school programs makes it difficult to mount program improvement efforts that meet the intent of Hawkins-Stafford provisions (see exhibit 20). In several case study districts, Chapter 1 administrators expressed their frustration with the program improvement requirements and admitted that they were uncertain about what to do. Several districts attempted to solve the problem by setting the program improvement standard at gains anywhere above zero NCEs. One district lowered the standard for avoiding program improvement after a large number of Chapter 1 programs for religious-school students did not meet the initial standard.

Both Chapter 1 teachers and other district staff were responsible for evaluating the effectiveness of Chapter 1 services to religious-school students, according to the School District Survey and Sectarian School Survey. Assessments relied heavily on standardized norm-referenced tests, although both religious schools and school districts reported the use of other measures, including criterion-referenced tests, teacher-made tests, and end-of-chapter or textbook tests. As the data included in exhibit 16 indicate, administrators in about two-thirds of the religious schools that enrolled Chapter 1 participants were consulted about program evaluation. Religious-school teachers were consulted in about a quarter of the schools.

Exhibit 20

Chapter 1 Program Improvement: A Problem in Serving Religious-School Students

In the Los Angeles Unified School District, about half of the Chapter 1 sites where religious-school students are served were identified for program improvement during the 1991-92 school year. This was the first time Chapter 1 program improvement requirements had been applied to the nonpublic-school component of the school district's Chapter 1 program.

In response to the Hawkins-Stafford requirements for increased attention to developing advanced skills and to helping students master more challenging content, the district introduced "whole language" instruction in reading and language arts in the Chapter 1 program. According to Chapter 1 staff, the religious schools welcomed this new approach, although it is quite different from the more traditional approaches used in the religious schools' regular program and there has been no effort to change instruction in the regular program. Now that so many of the service delivery sites have been identified for program improvement, the supervisor of the nonpublic school program argued in a letter to the director of Compensatory Education Programs in the U.S. Department of Education that "the school district Chapter 1 Nonpublic Schools Program should not be held to the School Improvement provision of expected progress because the school district has no control over the basic reading programs selected or the personnel that implement these reading programs in the nonpublic schools."

Chapter 1 administrators acknowledge that they are not sure what to do about improving the Chapter 1 program and have requested a waiver of the requirements pending direction from the state department of education. The supervisor believes that the school district is trapped by conflicting expectations and provisions in Chapter 1.

Notwithstanding their doubts about how to respond to program improvement provisions, some examples of district actions identified in the case studies are as follows:

- forming a committee of religious-school teachers, public- and religious-school principals, and central office administrators to discuss new approaches;
- providing individualized staff development activities for Chapter 1 personnel assigned to programs designated for improvement;

- identifying test objectives used on the district's evaluation and using these objectives as a checklist to target instruction;

- writing individual education plans for students who do not demonstrate satisfactory NCE gains; and

- reporting student gains annually to each Chapter 1 teacher so that poor performance on annual tests is flagged.

One resource that can be used in local program improvement efforts is technical assistance, although the actual use of this assistance may be limited, according to the School District Survey. School districts that provided Chapter 1 services to religious-school students identified a variety of technical assistance providers that have or will have assisted Chapter 1 personnel in programs identified for program improvement (see exhibit 21). These findings also suggest, however, that relatively few districts are likely to use any of these providers of technical assistance. Furthermore, when these findings are compared with findings from the Chapter 1 Implementation Study, school districts appear much less likely to use technical assistance to improve services for religious-school students than to improve Chapter 1 services for public-school students.

Equitable Services

As the preceding discussion indicates, the constitutional prohibition against excessive entanglement between church and state has given rise to significant barriers between Chapter 1 services and the operations of religious schools enrolling Chapter 1-eligible students, and certain strategies and resources to compensate for the barriers. Given these conditions, it is reasonable to ask how Chapter 1 services to religious-school students actually compare with Chapter 1 services to students in public schools. Under the program's administrative provisions, this issue is phrased in terms of the equitability of Chapter 1 services to the two groups of students.

Chapter 1 requires school districts to offer services to eligible religious-school students that are equitable in relation to those available to their public-school counterparts. According to Chapter 1 regulations, services are equitable if the school district:

- assesses, addresses, and evaluates the specific needs and educational progress of eligible private-school students on the same basis as public-school students;

- provides, in the aggregate, approximately the same amount of instructional time and materials for each private-school student as it provides for each public-school student;

- spends equal amounts of funds to serve similar public- and private-school students; and

- gives private-school students an opportunity for participation that is equitable in relation to the opportunity provided to those in public schools.

Two additional elements of the Chapter 1 regulatory structure are intended to facilitate achieving equitability in services. One, discussed previously, is off-the-top funding, the budgeting mechanism the Department of Education established to ensure that school districts have equal per-pupil expenditures for instructional services for public- and private-school participants. The other requires the Secretary of Education to establish complaint resolution procedures for parents, teachers, and others who question whether Chapter 1 services to public- and religious-school students are equitable.

Are current Chapter 1 services to public- and religious-school students equitable? There is no easy answer. Indeed, this question goes to the heart of concerns about religious-school student participation in Chapter 1. Many, although certainly not all, school districts are able to meet the current quantitative standards for equitability. Even in school districts that meet these standards, however, post-Felton patterns of services to public- and religious-school students do not always look equal when compared on qualitative dimensions.

Staff in the Office of Compensatory Education, U.S. Department of Education, reported that the number of complaints about inequitable services dropped from more than a hundred (in almost half of the states) in the first few years after Felton to two during the 1991-92 school year. According to the Chapter 1 Implementation Study, 59 percent of the school districts that served private-school students reported that in private schools with Chapter 1 participants, the proportion of eligible students served is about the same as the proportion in public schools (Millsap et al., 1992). In the other 41 percent of the school districts the proportions were different and favored either public- or private-school students.

As further indication that services were equitable in terms of the four standards, surveys and case studies of school districts suggested that school districts used the same procedures and standards to determine student eligibility in public- and religious-school programs and to identify which students will participate. The increased use of CAI and third-party contracts also has contributed to school districts' ability to meet the equitability standards. Both permitted school districts to serve more religious-school students, thus increasing participation levels to those of public-school students.

Data from the case studies suggest that maintaining equitable services is an ongoing concern at the local level. These school districts appeared to be making good-faith efforts to meet Chapter 1 standards in this area, but problems remain. For example, in Boston, a recent federal audit revealed that the school district was spending approximately $1,400 per pupil in the public-school program, while it spent only $300

Exhibit 21

Percent of Districts Providing Technical Assistance Associated with Program Improvement Provisions Affecting Chapter 1 Students in Religious Schools and Public Schools

Technical Assistance Provider	Technical Assistance to Personnel in Religious-School Chapter 1 Programs in Need of Improvement %	Technical Assistance to Chapter 1 Public Schools in Need of Improvement %
District Chapter 1 staff	32	79
State education agency (SEA) Chapter 1 office	25	68
Other district staff	18	39
Chapter 1 TAC/RTAC	14	32
Other providers	8	18
Federally supported labs and centers	7	5
Other SEA office	5	6
Independent consultants	5	14
Not applicable; no technical assistance providers	4	7
Institutions of higher education	3	9

Exhibit reads: Thirty-two percent of districts that provide Chapter 1 services to religious-school students reported that district Chapter 1 staff have provided or will provide technical assistance to Chapter 1 personnel serving religious-school students in programs identified for program improvement.

Note: Multiple responses were permitted, so columns may sum to more than 100 percent. The Chapter 1 Implementation Study District Survey requested information for 1989-90 and 1990-91. The School District Survey did not specify year.

Source: Chapter 1 Implementation Study: Interim Report (Millsap, et al., 1992); School District Survey.

for each religious-school participant. In addition, the audit found that religious-school students received less than half the amount of Chapter 1 instructional time that public-

school students received. These differences were attributable to the way the school district has implemented CAI to serve religious-school participants. The difference in per-pupil expenditures resulted from the fact that CAI is less expensive than face-to-face instruction by Chapter 1 teachers. The school district has a long-term lease-to-own agreement with the CAI vendor, which permitted costs to be spread over several years, and the salaries of the noninstructional technicians were only a fraction of those of Chapter 1 teachers. The limited amount of instructional time for religious-school students is consistent with the vendor's recommendations for the most effective use of the CAI program. Currently, the school district is attempting to correct these differences by designing additional services for religious-school students and by exploring other learning systems for the CAI component. Other school districts that use CAI have faced similar problems (Russo & Haslam, 1992).

Another equitability problem relates to unequal amounts of instructional time. In Los Angeles, Johnstown (Pennsylvania), and New York City, public schools and religious schools operate on different annual calendars. If the Chapter 1 program operated on the public-school calendar, religious-school representatives argued that students missed 15 or more days of service each year, and there were few, if any, opportunities to make up for the lost time. District officials in New York acknowledged some lost days, but argued that the number was usually 8 or 9. In Los Angeles, the Chapter 1 program has solved this problem through a special agreement with the teachers' union that permits the Chapter 1 teachers assigned to serve religious-school participants to work on the religious-school calendar.

These problems and others like them are serious. They reflect important differences in the quantity of Chapter 1 services provided to public- and religious-school students. Nevertheless, as the case study data indicate, they are problems that can be and usually are resolved fairly easily. A somewhat different picture emerges if the qualitative dimensions of Chapter 1 services to religious-school students are examined.

On the plus side, Chapter 1 programs were rated as "very effective" in 40 percent of the religious schools that enrolled participating students; they were rated as "moderately effective" in another 48 percent, according to the Sectarian School Survey. In interviews during the site visits, religious-school principals and teachers generally gave the Chapter 1 services--particularly the skills and performance of the Chapter 1 teachers--high marks. In addition, many saw the small size of Chapter 1 classes as an important opportunity for individual attention, which they said their schools were otherwise unable to provide. They also valued Chapter 1 supplementary services such as diagnostic testing and screening for health and vision problems. In the words of one principal, "We can't afford to do these things on our own. In addition, it would be impossible for us to fight the bureaucracy to arrange for these services on our own. [The Chapter 1 teacher] knows everybody in the system and can get our kids what they need."

In some sites, religious-school principals and teachers saw the Chapter 1 teacher as a valuable resource for professional development. In comparison with religious-school

staff, the Chapter 1 teachers tended to have more training and experience in providing remedial instruction to disadvantaged students and access to a wider range of current materials. The director of Nonpublic-School Programs in Los Angeles received numerous requests for Chapter 1 teachers and supervisors to provide staff development for the religious-school faculties. He turned them down, however, because he was concerned about violating post-Felton regulations.

On several program dimensions related to quality, school districts reported that services were about the same in public and private schools in the majority of Chapter 1 programs. According to the School District Survey, however, differences did exist:

- 13 percent of school districts relied more on teachers than aides to provide services for public-school students, compared with the services for religious-school students.
- 26 percent of school districts had lower student-teacher ratios in public-school programs.
- 21 percent of school districts used more CAI (with Chapter 1 and other instructional personnel present) in public-school programs.
- 16 percent of school districts provided more Chapter 1-funded support services to public-school students.

In a relatively small number of school districts, some of the differences favored the religious-school programs. Indeed, in most of the case study sites, at least some Chapter 1 teachers reported that the services for religious-school students were superior to those provided to public-school students. In 68 percent of the 1,300 school districts that had compared the effectiveness of public- and religious-school services, students in the two programs demonstrated about the same amount of improvement. In 21 percent of these school districts, religious-school students showed more improvement, and in 9 percent there were greater gains in the public-school programs.

Although the religious-school educators interviewed in the case studies said that their students benefited from Chapter 1, they also said that services were better before Felton. They expressed concern about the physical and programmatic isolation of Chapter 1 from other school programs. In some sites, Chapter 1 teachers have worked hard to overcome isolation from the religious-school programs, and in many cases they appear to have succeeded. In other places, particularly those that relied on mobile units or CAI, problems persist. As other studies have documented, the mobile units can be noisy, difficult to park, and very cramped (Millsap & Wilber, 1987). At the risk of oversimplification, case study data suggest that good teachers were usually able to adapt to the limits imposed by the mobile units, but they seldom overcome them. Other teachers had difficulty adapting to the mobile units and ended up relying

on a very limited repertoire of instructional activities. CAI as a single service delivery option typically does not focus on advanced thinking skills or expose students to challenging content, and students often have little or no direct contact with Chapter 1 instructional personnel. CAI in combination with other strategies appeared to be an improvement, but there were difficulties in coordination and communication, which almost certainly detracted from the overall quality of the instructional program.

These concerns about the quality and effectiveness of the Chapter 1 services do not speak directly to the issue of equitable services. Indeed, programs for public-school students may also suffer from inadequate instruction, and there is not much evidence that these programs have done a good job of using computers and other technologies. The fundamental difference in quality between the two programs is in terms of what is possible. Felton imposes serious limits on services for religious-school students, limits that do not apply to programs for public-school students. Or, as one religious-school official remarked, "The Felton decision has been terrible for us. The good will of the public school people is not enough. We have the same number served, but is that success? Since Felton our kids are less well served."

The type of problem that this administrator voices is likely to become a growing concern as the Chapter 1 program continues to mature. In the past, Chapter 1 in public schools has been strictly supplementary, providing instruction in a few areas with little connection to the regular school program. Under those conditions, qualitative equitability for religious school participants could be a reasonable local objective. Increasingly, however, Chapter 1 is a resource for the comprehensive improvement of schooling for disadvantaged children. This trend points toward greater and greater integration of Chapter 1 and the regular curriculum. In this environment, the constitutionally required barriers between Chapter 1 and religious schools may make equitability an increasingly problematic objective.

CHAPTER 5
OPTIONS FOR IMPROVING CHAPTER 1 SERVICES TO RELIGIOUS-SCHOOL PARTICIPANTS

For local Chapter 1 programs, the challenge of serving religious-school participants is to provide high-quality programs while remaining in compliance with requirements that mandate a clear separation of Chapter 1 from the regular religious-school program. This mandate reduces the options available for improving these programs. Within this framework, the main options for improving these services (which are not mutually exclusive) are as follows:

1. Strengthen regulations and nonregulatory guidance about consultation and coordination.

While a school district is ultimately responsible for designing, implementing, monitoring, and evaluating Chapter 1 services to private-school students, this responsibility can be met only if there is effective consultation with private-school representatives, including parents and teachers, and ongoing coordination of Chapter 1 and the regular school program. The goal of consultation and coordination is to provide quality educational and supplementary services that contribute to disadvantaged students' ability to succeed in the regular school program. To achieve this goal, consultation and coordination should be ongoing processes that facilitate stable, long-term relationships among Chapter 1 and private-school educators and parents.

An option for enhancing these complementary processes is to incorporate the nonregulatory guidance currently included in the U.S. Department of Education policy manual into Chapter 1 law. Thus, school districts could be required to develop and publish plans for consulting with private-school representatives about the following:

- which students will receive services;
- how the students' needs will be identified;
- what services (including specific instructional approaches and curricula) will be offered and where;
- how the project will be evaluated; and
- how Chapter 1 services will be coordinated with the regular private-school program.

The Department of Education could encourage school districts to include a schedule of annual cycles for planning, discussion, and review in their plans. In addition, the Department could include clearly delineated expectations and opportunities for participation by private-school representatives and strategies to be used to communicate with the private-school community. The Department could also encourage states to adopt the sign-off procedure illustrated in exhibit 19.

In addition, Department guidance in these areas could be revised to define "meaningful consultation" more clearly and to offer examples of approaches to consultation and coordination that are effective and allowable under Felton.

Nonregulatory guidance regarding coordination with the regular school program could be revised to include more information about coordination strategies that are allowable under Felton. Providing more detailed guidance in this area could help districts develop better mechanisms, while reducing concerns about whether particular local strategies are allowable.

2. *Improve capital expense grant mechanisms.*

Capital expense funds are an important part of the resources that school districts use to provide services to religious-school students, particularly school districts that serve large numbers of private-school students. Application procedures vary by state, and there is evidence to suggest that some districts find the application process so confusing or burdensome that they do not apply for funds. Some districts also do not yet understand how capital expense funds can be used.

The following steps could be taken to address these problems and concerns:

- The Department of Education could work with state departments and school districts to clarify allowable expenditures and suggest appropriate and simplified procedures for state grant programs.

- The Department could take a more active role in assisting and monitoring the implementation and operation of state capital expense grant programs.

- State departments could be directed to streamline application procedures and assist school districts, particularly smaller school districts or school districts with less administrative capacity, in determining the ways capital expense funds can be used to increase Chapter 1 participation by private-school students.

- States could be encouraged to reduce or eliminate the use of capital expense funds for past expenditures, in order to help ensure that the funds are used to increase participation by private-school students.

- States could be required to submit their estimates of capital expenditures for two- or three-year cycles to help Congress and the Department estimate future requirements for capital expense funds.

3. *Encourage the development of innovative approaches to serving private-school students and disseminate information and provide technical assistance to state departments of education and school districts responsible for serving private-school students.*

Implementing post-Felton Chapter 1 services to private-school students has not resulted in the development of innovative approaches to providing these services on any significant scale. Instead, school districts and religious-school educators have concentrated on efforts to duplicate pre-Felton instructional activities in new locations.

To encourage the development of alternative approaches to these services, the Department could be directed to earmark a portion of Chapter 1 funds, including capital expense funds, to support local experiments. Under this option, experimental programs would be initiated only after public- and private-school officials agree on their design. Federal projects would be subject to rigorous review and evaluation by public- and private-school officials. Possible areas for experiments include, but are certainly not limited to, the following:

- alternative, performance-based assessments to identify and select eligible students, measure student progress, and evaluate programs;

- intensive tutoring programs during non-school hours;

- comprehensive and integrated approaches to meeting the social, emotional, and academic needs of Chapter 1 students, particularly through public-private-sector partnerships; and

- professional development targeted to the specific needs of Chapter 1 and religious-school teachers who work with Chapter 1 students.

Dissemination and technical assistance efforts could highlight the results of these experiments and other options available for providing Chapter 1 services to religious-school students.

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APPENDIX A

RESEARCH SPONSORED BY THE U.S. DEPARTMENT OF EDUCATION CONCERNING CHAPTER 1 SERVICES TO RELIGIOUS-SCHOOL STUDENTS

The 1987 National Assessment of Chapter 1 reported information on Chapter 1 services for students enrolled in private schools. The data were gathered through surveys of school district Chapter 1 coordinators and private-school principals as well as case studies in school districts. Because the program elements required under Felton had not yet been fully articulated or implemented, however, the 1987 assessment was not able to evaluate the effects of the ruling. The 1987 assessment also predated the Augustus F. Hawkins--Robert T. Stafford Elementary and Secondary School Improvement Act of 1988 (P.L. 100-297) and its provisions affecting Chapter 1 services to private-school students. To close this information gap, the 1992 National Assessment of Chapter 1 Act (P.L. 101-305) requires the Department of Education to study and report on Chapter 1 services to private-school students.

Beginning in 1991, the Department commissioned a series of studies on Chapter 1 services to religious-school students. These studies were designed to gather more detailed information than the general-purpose Chapter 1 Implementation Study, which collected some data on private-school student services in 1990-91 by means of a district survey and site visits (Millsap, Turnbull, Moss, Brigham, Gamse, & Marks, 1992), and the congressionally mandated Prospects study, which includes a non-representative sample of 35 Catholic schools that enroll students who receive Chapter 1 services. The studies focused on services to religious-school students and included three national surveys, case studies of different service arrangements, and small studies on the use of computer-assisted instruction (CAI) and third-party contracts.

The surveys were as follows:[1]

- **School District Survey**: a survey of a nationally representative sample of 100 school districts that provided Chapter 1 services to religious-school participants during the 1990-91 school year. The sample was drawn from a sample of 1,600 school districts developed for the Chapter 1 Implementation Study. It is indirectly stratified by the number of religious-school students served and percent of families with children living in poverty. The three participation-level strata are districts that serve fewer than 31 religious-school students, districts that serve 31-999 such students, and those that serve at least 1,000 such students. "Low-poverty" school districts are those in which 11 percent or fewer students live below the poverty level. "Higher-poverty" school districts are those in which 12 percent or more students live below the poverty level. This sample does not include school districts in Missouri and Virginia because school districts in these states are prohibited from providing Chapter 1 services to religious-school students; neither does it include the large unitary school district of Puerto Rico.

- **Sectarian School Survey**: a survey of 400 religious schools that enrolled students who were eligible for and received Chapter 1 services during the 1990-91 school year. The sample of schools in this survey was selected from the school districts included in the School District Survey sample. It is stratified by religious affiliation (Roman Catholic and other) and by grade levels (elementary and other). Schools in Virginia, Missouri, and Puerto Rico were not included.

- **School Services Survey**: a survey of 150 religious schools that enrolled Chapter 1-eligible students, none of whom received Chapter 1 services in 1990-91. Schools selected for this survey do not constitute a representative sample.[2]

Surveys were mailed to school districts and religious schools in the late spring of 1992, and there were follow-up telephone calls to non-respondents during the early part of the summer.

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[1]Survey design, administration, and data analysis were completed by Westat, Inc., under a subcontract to Policy Studies Associates, Inc.

[2] There are several reasons why this sample is not representative: (1) The schools were identified within a small number of school districts in which other sectarian private schools enroll Chapter 1 students. Schools with Chapter 1-eligible students in school districts that do not serve any religious-school students were excluded. (2) School-district Chapter 1 personnel often did not know whether a school enrolled Chapter 1-eligible students; indeed, about 12 percent of their nominations were wrong. (3) A disproportionate number of the schools identified are in a small number of school districts.

Results from the first two surveys can be projected to the national populations of (1) districts that serve religious-school students and (2) religious schools that enroll Chapter 1 participants, excluding those in Missouri, Virginia, and Puerto Rico. As with all small samples drawn from large populations, individual responses are weighted to generate statistically accurate estimates of the responses of larger numbers of similar districts and schools. In these surveys, the responses from small districts and the religious schools located in them tend to be assigned very large weights because of their relatively large numbers in the national populations. Responses from the largest districts and the religious schools located in them are assigned low weights. Because the sample for the School Services Survey is not representative, the results cannot be projected to the entire population of religious schools with Chapter 1-eligible students who do not receive services.

There were two sets of case studies designed to extend and amplify the survey findings. The sample for one set was drawn from the School District Survey sample. The sites varied in size, geographic distribution nationally, and Chapter 1 service delivery options for religious-school students. The second set of case studies included service delivery sites in the bypass programs in Missouri and Virginia and in the large third-party contract in Puerto Rico. The case study samples are not representative.

Data from case study sites were gathered through a three- to four-day visit to each site by a two-person research team, review of documents provided by the school districts and the U.S. Department of Education (for the bypass states), and interviews with Department officials responsible for monitoring third-party contracts in the bypass states. Site visits took place in the spring of 1992. At each site the research team interviewed district Chapter 1 administrators responsible for services to religious-school students, Chapter 1 teachers and other staff, religious-school principals and teachers, and representatives of religious-education organizations, usually local diocesan education officials. Teams also visited service delivery locations. The number of service delivery locations visited in each school district depended on the size of the Chapter 1 program and the range of service delivery options. Site visits to the bypass states and Puerto Rico also included interviews with instructional staff and administrators of the third-party contracts.

The separate studies of CAI and third-party contracts were more limited in scope than the surveys and case studies, consisting of literature reviews and telephone interviews. Information on CAI as a Chapter 1 delivery method in religious schools was gathered through document reviews and interviews with school district Chapter 1 administrators and staff and religious-school representatives familiar with these services, CAI vendors, and researchers who have evaluated CAI. Data for the study of third-party contracts, which were intended primarily to provide estimates of the number of students served and the number and location of school districts that rely on this option, came from interviews with and documents provided by state and local Chapter 1 officials, religious-school representatives at the state and local levels, and the third-party contractors.

Findings from the CAI study have been presented in a separate report titled "The Uses of Computer-Assisted Instruction in Chapter 1 Programs Serving Sectarian Private School Students" (Russo & Haslam, 1992) and are summarized in this volume. Survey and case study findings and information from the study of third-party contracts are presented for the first time in this report.

APPENDIX B

ESTIMATES OF RELIGIOUS-SCHOOL STUDENT PARTICIPATION IN THE CHAPTER 1 PROGRAM

In the past decade there have been numerous studies of Chapter 1 programs; none of them, however, contains entirely complete or consistent information on Chapter 1 participation, funding, administration, or services provided by programs for private-school students. As a result, it is necessary to use data from these studies carefully and to piece together information from related studies to create a more complete picture of Chapter 1 assistance to this group. Attempts to estimate the number of private-school participants in Chapter 1 have resulted in a variety of estimates.

Some of the studies of Chapter 1 provide inconsistent information on private-school student participation because of differences in estimation techniques and the timing of data collection procedures. The U.S. Department of Education has gathered data reported by each state department of education during the past decade, but the "Summary of State Chapter 1 Participation and Achievement Levels" began to include Puerto Rico in its sample in 1986-87 and thus suggests a change in participation levels that may be misleadingly high (Sinclair & Gutmann, 1991). The Fast Response School Surveys (NCES, 1987a) generated estimates based on information from 931 districts selected and weighted to create nationally representative data; however, because of a November 1, 1986, cut-off date, they underestimate participation for 1986-87. Similarly, the 1991 District Implementation Study reports information only through October 1990 (Millsap et al., 1992).

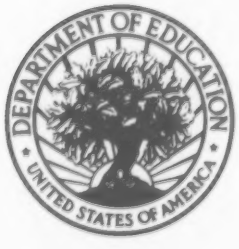
The 1987-88 and 1990-91 NCES estimates were drawn from the Schools and Staffing Surveys. It is unclear why these estimates are higher than other estimates. The 1990-91 estimate is particularly high, but may be explained in part by the potentially confusing wording of the survey item.

Other studies provide consistent information, but cover a limited number of school years. Figures published by the GAO in 1989 present data gathered from state-level Chapter 1 coordinators including Puerto Rico; the GAO study omits 1986-87 participation estimates, citing 1984 through 1986 data and then jumping to 1987-88 (GAO, 1989). Estimates from the District Practices Study represent a large, nationally

representative sample of 2,000 districts, but the study does not report years after 1981-82 (Jung, 1983). The following table lists the various estimates:

School Year	Nonpublic School Student Participation Estimates	Source
1979-80	189,114 192,944	Sinclair & Gutmann, 1991 Jung, 1983
1980-81	213,499	Sinclair & Gutmann, 1991
1981-82	184,084	Sinclair & Gutmann, 1991
1982-83	177,210 180,000	Sinclair & Gutmann, 1991 Jung, 1983
1983-84	190,660	Sinclair & Gutmann, 1991
1984-85	180,670 184,532 185,000	NCES, 1987a Sinclair & Gutmann, 1991 GAO, 1989
1985-86	123,000 127,922	GAO, 1989 Sinclair & Gutmann, 1991
1986-87	130,600 131,000 137,900	NCES, 1987a GAO, 1987b Sinclair & Gutmann, 1991
1987-88	136,618 142,000 142,492 173,159	Sinclair & Gutmann, 1991 GAO, 1989 Sinclair & Gutmann, 1990 NCES, 1990
1988-89	137,656 151,000	Sinclair & Gutmann, 1991 GAO, 1989
1989-90	151,948	Sinclair & Gutmann, 1992
1990-91	157,501 167,612 168,168 204,424	Sinclair & Gutmann, (forthcoming) Millsap et al., 1992 GAO, 1993 NCES, 1993

Taken as a whole, these estimates clearly point to some recovery from the drop in participation levels immediately following the Felton decision. However, because these numbers are estimates, it is not possible to determine precise participation levels or the exact amount of post-Felton recovery in religious-school student participation levels.



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